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A

Political History

OF THE

GREAT LATIN PATRIARCHATE.

BOOKS VI. VII. & VIII.

FROM THE MIDDLE OF THE NINTH TO THE CLOSE OF THE TENTH CENTURY.

BY

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PREFACE.

1. It may be advantageous to the reader of the ensuing volume to premise a short review of its contents. The complicated character of the topics treated might perhaps tend to obscure their connection with the main subject, and at the same time expose the writer to the charge of unnecessary prolixity.

2. The somewhat lengthy retrospect of the past history of the papacy introduced in the first chapter of Book VI. has suggested a doubt whether the writer has not burdened the memory of the reader with too much of detail, and thereby in a measure neutralised the advantage to be derived from a simple synopsis. Yet if this portion of the work should fall into the hands of any reader unacquainted with the prior volumes, the perusal of the chapter in question may put him in possession of the leading facts, and enable him to follow the course of the subsequent narrative, thus relieving him from the trouble of recurring to the preceding volumes.

3. The subjects of chapters iii. to v. (inclusive) of the same Book relate to the progress of the papal power under the patronage of Charlemagne and his immediate successors; more especially with reference to that great hierarchical scheme which had grown up under the auspices of Boniface of Maintz and his school, till it attained its full growth by the publication of the False Decretals; a work which confounded, or rather identified, the ordinances of the Roman pontiffs with the decrees and canons of conciliar enactment, and centralised the powers of the church-catholic in the person and office of the Pope. The resulting fact appears to have been that, while, with very small coöperation on her part, the foreign allies of Rome were working out the

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sacerdotal system for her benefit, the pontiffs had succeeded in placing their territorial acquisitions upon the basis of public law, and in establishing a claim to the protection of the secular state, discharged from every condition of secular reciprocity which might impose any kind of burden, or fetter them in the disposal of what they possessed, or arrest them in the career of further acquisition.

4. The combination of the two powers—namely, the territorial and secular with the spiritual and sacerdotal—in the hands of the papacy, was cemented into one compact scheme by the adoption of the Isidorian forgeries into the code of Roman ecclesiastical law. The sixth chapter of Book VI. describes the progress of the movement, the methods resorted to by Rome to substitute the more recent code for the enactments of the conciliar bodies, and the success which attended the operation of substituting Rome-made law for general church-legislation. The chapter closes with a short account of the origin and probable date of the false decretals, the drift and purpose of the forgery, and the spirit in which it was adopted and acted upon.

5. The motives which led to the minute analysis of the false decretals contained in the seventh chapter of Book VI. may require explanation. We observe that, up to the very date of their publication, the current of papal history—like the river to the ocean, or the winds towards the atmospheric vacuum—had taken the direction pointed out by the authors of the forgeries themselves. But a great step was still wanting to the completion of the decretal scheme so ably unfolded by preceding pontiffs. That step was supplied by the authors of the false decretals. They undertook to trace the descent of pontifical legislation up to the very source of the Christian revelation, and thus to raise it above all human limitation. The hiatus of nearly three centuries in the Petrine title was thus adroitly filled up; the distinction between the persons, the office, and the worldly possessions of the sacerdotal order and their chief was eliminated; and the functions, the property, and the honours of the priesthood became invested with the same sacred and inviolable character. Meanwhile the outer world knew nothing of what was going forward in the college, the cathedral, or the abbey. The area of political activity was in a great measure

occupied by the clergy. In their calculations, the interests of sovereign, nobles, and people came under consideration chiefly as instruments for the promotion of sacerdotal objects. The motives and the scope of the Isidorian imposture pointed unmistakably to the absolute separation of the social and religious *status* of clergy and laity, and not less remotely to the exaltation of the *sacerdotium* above all earthly might, majesty, or dominion. From the moment of their publication, these forgeries became an integral part of the law of Rome; and so continued down to the period of their final exposure. They constituted the repertory of pontifical privilege, the never-failing supports of the extremest temporal and spiritual pretensions of the holy see.

6. With such results before him, it became the duty of the writer to trace them to their origin, and to introduce them to the reader by the same process of strict analysis as that by which they had found entrance into his own mind. It was incumbent upon him to lay bare the principle of these documents, the relation they established between clergy and laity, between the church and state, between the whole body of secular and sacerdotal interests; and lastly, to point out the prospect they opened to the papacy of a more absolute centralisation of the ecclesiastical powers in its own hands than it had enjoyed at any preceding period of its existence.

7. But in this review of the more prominent topics of the volume before his readers, the writer cannot omit to notice a feature in the Isidorian scheme which many persons may regard as the most material of all. The decretals we find to contain the first authoritative assertion of a religious dogma of an incomparably more powerful character than any that had been hitherto urged on behalf of the sacerdotal order and office. When it was announced as a notorious and unquestioned religious verity, that "by the imposition of his hands and the word of his mouth the officiating priest could reproduce the material body of the Lord," what reply could have been expected from an age of ignorance, simplicity, and trust? When accepted, or—which is pretty much the same thing—when uncontradicted, it involved a shock to the feelings of that age—as it might do even in a more advanced stage of civilisation—to be told that the being thus divinely endowed could be made the subject of civil or

criminal responsibility. The decretalists did not overlook the advantage; they carefully provided against any distinction between the person and the function of the priest, by exempting him from all secular law, and handing him over to the "judgment-seat of Him whose servant he was," or, which in their view was the same thing, to that of His representative on earth. When this opinion of the sacerdotal office had once taken root in the world, it is impossible to overrate the command it imparted over the public conscience; it is impossible to estimate too highly the character of him who appeared, by divine appointment, as the absolute head and chief of that sacred and unapproachable community.

8. A short enumeration of the several digests of ecclesiastical law subsequent to the publication of the false decretals was thought requisite on two grounds: *first,* to acquaint the reader with the actual state of general *church-legislation,* and of the contrivances requisite to adapt it to the decretal scheme; and *secondly,* to show the *modus operandi* by which that object was accomplished. It was foreseen that the history of decretalism and of conciliar legislation (in its proper conjunction with the ancient common law of the churches) must thereafter come frequently under consideration. The elaborate identification of decretalism with canonism was, it is submitted, effected by the underhand transfusion of the Isidorian forgeries into the operative codes of Roman ecclesiastical law; in such wise that, while the codes thus compounded became the groundwork of a new relation between the pontiff and the clergy of his communion, they in the same breath introduced a total revolution in the relation of the church to the state—a state of things to which the intelligent reader will at almost every step find it necessary to recur.

9. Our seventh Book opens with an account of some of the earlier results of the improved scheme. The mind of the papacy was by this time emancipated from the uncertainty which had hung over some of its most valuable claims. The pontiff of Rome was now the "lord and king," the "spiritual parent," endowed with all the powers of a father over his children; we find him, without hesitation or scruple, annulling treaties, putting down political opposition, setting aside obstructive powers in the hierarchy, and abolishing privileges adverse to his arbitrary inter-

position. The metropolitan powers bend beneath his sceptre; and finally, in the hands of the energetic Nicolas I., the decretal principle appears to have accomplished a triumph little less complete than that which, rather more than two centuries later, it achieved under the auspices of his great successor Gregory VII.

10. The second and third chapters of Book VII. then enter into some detail of the *modus operandi* by which these results were achieved, and of the internal and external struggle which accompanied them. The recently-elaborated scheme of ecclesiastical law is found to have been the great arsenal which supplied the weapons of the papal warfare. These weapons, it is true, were of various forms and fashions; but this very variety, in the able hands of the pontiff, only made them the fitter for the variety of services for which they were wanted. By throwing together, as it were, into the same caldron all the elements of ecclesiastical prerogative, whether drawn from authentic, traditionary, or fictitious sources; by combining traditions, canons, conciliar decrees, and pontifical decretals, into one chain of uniform legislation, and tracing the whole up to the source of Christian law, in favour of the single prerogative of the bishop of Rome,—by this process, we say, the pontificate was enabled to reduce all the orders of the church to the same dead level at the foot of the papal throne. The success of the able pontiffs (Nicolas I. and Hadrian II.) to whom this task was assigned was not, indeed, of that complete and enduring character which it assumed in a later age. But the direction was given, and the mode of proceeding was clearly pointed out: that it remained suspended for ages to come, is imputable to the violent dislocation of every limb and member of political or religious society resulting from the deluge of vice and immorality which burst upon Christendom towards the close of the ninth, and prevailed during nearly the whole of the tenth, century of the Christian era.

11. At this crisis of the history of the papacy, it was thought expedient to interrupt the strictly chronological order of events, and to devote a chapter—the fourth of Book VII.—to the conflict between the papal prerogative and the secular powers within the pontificates of Nicolas I., Hadrian II., and John VIII. We found that the activity of the papacy during this period struck with pretty equal boldness and vigour at the essential

powers of the secular state as at those of the church. We observe that, whatever the internal resistance to papal encroachment within the ecclesiastical pale, the church had established an alliance with Rome for the reduction of the political state to a level at which it might be helpful, but could not be dangerous, to sacerdotal pretension. To this object Archbishop Hincmar of Rheims, the professed champion of privilege against papal prerogative, lent himself with as much zeal as he had displayed in the defence of his official immunities against pontifical intrusion. "There were," he maintained, "two powers on earth, the priest and the king; but the priest is the more exalted, and by him shall kings be judged." This estimate of the sacerdotal power tallied in form with that of Rome. But at Rome the "priest" was the pope; and with this exposition, Nicolas I. adopted and acted upon Hincmar's principle. He annulled the sentence of a Gallic synod, and deposed two archbishops of that church without form of trial. But this uncanonical proceeding was adopted for the humiliation of the secular prince, and was allowed to pass uncontradicted, though it involved the identical principle of interference which had been so vehemently resented by the zealous prelate when it attacked his own metropolitan privilege. The difference was, that in this case the king—the *inferior* power—was the object of attack; and Hincmar did not think fit to risk the defeat of his immediate design—namely, the humiliation of a political enemy—by taking up arms in defence of other rights than his own. Thus a double triumph accrued to the papacy; the royal dignity was reduced to the desired level, and the metropolitan privileges were set aside by the summary deposition of two metropolitan bishops, in defiance of every known principle of ecclesiastical law.

12. The principles of secular interposition involved in the language and conduct of Nicolas I., as they appear in the details referred to in the preceding paragraph, were the following: 1. the assertion of *a general right of moral superintendence* both over the private lives and the public government of princes and rulers: 2. incidentally, *the right to determine who are to be accounted true kings,* and who are to be set aside as *usurpers and tyrants:* 3. the right to measure the claim of secular princes to the allegiance of their subjects by their obedience to the man-

dates of Rome: and lastly, as a corollary deducible from this supreme moral and religious judicature, *the reduction of all secular power to a simple emanation from the prerogative of St. Peter's chair,* to the state of a derivative or ministerial authority, in its nature accessory to and subject to the moral and religious government of the representative of God on earth.

13. The fifth chapter of Book VII. approaches the period we have described as the "Obscuration of the Papacy." From the death of Pope John VIII. (A.D. 880) we date that long period of political and religious decrepitude, which resulted from the rapid decay of those moral forces which had hitherto sustained the ill-compacted governments of the world. The torrent of vice and immorality overwhelmed with irresistible force both church and state; public and private virtue lost their value; treachery, sensuality, cowardice, poisoned the moral atmosphere; men had learnt "to call evil good, and good evil; to put darkness for light, and light for darkness; to put bitter for sweet, and sweet for bitter." For nearly a whole century the limits of right and wrong in France and Italy appear to have been obliterated; and the pontificate, like the governments of the outer world, was threatened with such a loss of vital power as must have ended in downfall and oblivion. But, fortunately for Rome, she was not now, nor had been for ages past, a proper home of the papacy. The life-blood of the papal scheme flowed in the veins of the uncorrupted North; and when, weak from moral exhaustion, she awoke from her long lethargy, she found loving nurses in the children she had begotten to herself in a more healthful and bracing atmosphere.

14. The sixth and seventh chapters of Book VII. may by some readers be regarded as altogether episodic, perhaps superfluous. The narrative of the Photian schism contributes to the elucidation of papal history only in one aspect. The perusal of the original materials from which the narrative is drawn throws considerable light upon the character of the papal system within the period, and throughout the controversy with the rival church of Constantinople. The controversies of the holy see with the churches and rulers of the West, we observe, rarely drew from the Roman pontiffs such peremptory and decisive declarations of prerogative as those which her transactions with the Greek

emperor and churches called forth. This consideration overcame the writer's reluctance to interrupt the narrative, and induced him to add a sketch of the movements in the Eastern churches down to their final separation from the great Western patriarchate.

15. The introductory chapter of Book VIII. enters into certain particulars respecting the political state of Italy during the ninth and tenth centuries, which appeared necessary to show the action and reaction of the moral upon the political state of that country, more especially as it affected the position of the papacy. It traces the corrupting effects of the union of the spiritual and temporal powers in the hands of the clergy; it describes the political causes of that moral degradation by which princes and nobles, church and people, were prepared to accept a form of government—if it may be so called—of which there is no precedent in the world's history. This form we have taken the liberty to describe as the "hetærocracy," or government by prostitution.

16. The second chapter of Book VIII. is entitled, "The Obscuration of the Papacy." It enumerates the leading facts necessary to account for the rapid decline of the active powers of the pontificate; and the temporary separation of the political and the spiritual authority, down to their reunion under the profligate pope John XII. The third chapter continues the history of the revived Empire of the West; embracing the extinction of the short-lived Roman republic, and its reduction to the condition of a dependency of the resuscitated empire. Rome is now the capital of the empire, to be governed by the pope as the client and political dependent of the sovereign; yet with an incalculable increase of spiritual influence, and the largest restoration of the temporalities torn from her by domestic faction and the dissolute alienations of successive pontiffs.

17. The fourth chapter of Book VIII. is devoted to the state of Rome and the pontificate under the emperors Otho II. and III.; it adverts to the gradual suppression of republican forms, and that factious spirit which had prevailed during the calamitous minorities of the successors of Otho the Great. It then passes on to the elevation of the papacy under the auspices of the Saxon family, and the general plan and process of eccle-

siastical emancipation. These subjects connect themselves with the decline and gradual revival of the papal influence in Germany; and introduce, in the fifth chapter, the history of the papal influence in France within the same period of time. These topics command attention as evidence of the strength of that organism which could survive the pestilential maladies of the tenth century, that could resist the encroachments of the secular powers, and outlive the decay of almost every principle —moral, religious, or political—that holds society together. Though within this period decretalism in France had fallen into discredit, yet in the mind of the French hierarchy there had always remained a lurking predilection for the Roman connection. The tie which bound them to Rome, though much attenuated, had never been broken; and it was now again strengthened by the augmentation of power conferred by the revived alliance between the papacy and the empire, as well as by the reforms introduced into the Roman court by the Saxon princes. And thus it happened that the perils threatened by the partial exposure of the decretal scheme at the great synod of St. Basolus passed away, and the system of imposture, upon which the holy see had reposed its most material claims, remained unimpeached.

18. The history of the jeopardy and escape of the decretal scheme forms the subject of the sixth chapter of Book VIII., and brings the volume to a close. The topics discussed, and the events described throughout, must be regarded as the prelude only to the more mighty strides of the papal power during the course of the eleventh century. In this volume it has been our desire to point out, as far as historical testimony can disclose the secret springs of human events, the causes of that enduring vitality which so obviously distinguished the pontifical scheme of Rome. We have, we believe, traced it to the comparatively perfect organisation of the sacerdotal body, which afforded modes and means for giving currency to the largest assumptions of prerogative without contradiction from any equally well-qualified opposition. It has been shown what advantage was derived from the incapacity of the world at large to distinguish the true from the false in document, in testimony, or in tradition; we have stigmatised the enormous effrontery with which, in the course

of the operation, truth and falsehood, genuine and counterfeit traditions, were mingled together, and the whole mass melted down into a single code for the exaltation of the pontifical prerogative. We have dwelt upon the fruitless struggles of the more discerning, if not the more enlightened, members of the clerical body to wind themselves loose from the network of spurious tradition and fable which hampered their honest efforts to support themselves upon the ground of genuine church-legislation; and have, we submit, shown reason to believe that the final triumph of decretalism was promoted, if not completed, by the revived alliance between the pontificate and the empire under the princes of the house of Saxony.

The following volume—if life and health be granted to the writer—will call the attention of the reader to the great victory of the papacy over all opposing privilege, ecclesiastical or secular; and to the practical assertion, if not the perfect achievement, of that boundless absolutism in church and state, which forms the glory and the opprobrium of the administration and pontificate of Hildebrand of Sienna.

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A

POLITICAL HISTORY

OF THE

GREAT LATIN PATRIARCHATE.

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Carolingian period; its general character and importance.

In the preceding Book we endeavoured to trace the progress of the papal polity throughout the monothelite and iconoclastic controversies to the epoch of 844; we marked that year as the epoch of the promulgation of the false decretals of Isidore Mercator, or Peccator, and described it as an era of extraordinary interest in the history of hierarchical pretension. The period we have thus characterised now lies before us. It comprehends in point of time a term of seventy years, extending from the accession of Charlemagne to the sole government of the Frankish empire to the overthrow of his scheme of union between church and state by the treaty of Verdun in the year 844; an event which virtually brought the empire he had founded to a close, disintegrated its structure, introduced at least one new element into the European state-association, and at once placed the hierarchical polity upon a more solid and self-existent character. The following Book, therefore, must be devoted to a description—as accurate as the existing materials will enable us to frame it—of the dealings of that great monarch with the Roman hierarch; the system of combined political and ecclesiastical policy he

projected and pursued; and the proper bearing of that policy upon the interests and advancement of the papal power, as long as his personal agency, or the influence of his great name, survived to sustain it.

To these details it will be expedient to annex, as their result and completion, a somewhat comprehensive examination of the new foundation to which, in consequence of the overthrow of the politico-religious scheme of Charlemagne, the sacerdotal polity was removed. That transfer was effected by the promulgation of the decretals of Isidore Mercator,—or Peccator, as the supposed author is sometimes called,—about the year 840. Incidentally to this examination, it will be requisite to call to mind some particulars relative to the origin and history of the canon-law, and the rise of that system to which we take leave to affix the name of "decretalism," to distinguish it from proper church-legislation,—a system which we regard as having received its fulfilment and completion from the final adoption of that series of forgeries into the body of Roman ecclesiastical law.

Decretalism.

But in a narrative of so various and complicated a character as that in which we are engaged, it is apprehended that the reader's memory must be apt to fail him, his attention to flag, and his interest in the subject to falter, unless such leading events and transactions of the past as appear to stand in the relation of cause and effect to those which are to follow, are occasionally recalled to his recollection. The importance of the period we are entering upon imposes on us the necessity of bearing in mind the amount and value of the leading facts and events already before us, if we wish fully to comprehend their prospective bearing; to trace the general direction of the combined ecclesiastical and political movement; to place before our eyes the ground-plan of the vast edifice of power whose history we are anxious to unfold. To such a retrospect, therefore, the remainder of this chapter will be devoted.

Expediency of retrospective survey.

We select, however, as the subjects of review those aspects of papal history which seem

Subjects of retrospect.

to have a more direct bearing upon the progress of events to be unfolded in this Book. The uniformity of effort observable in the history of the chair of Peter, dating almost from the fall of the Western empire, points, we think, conclusively to the general plan of operations sketched out, as it were, in the mind of the papacy. This plan appears clearly to have embraced a twofold object: *first*, the acquisition of a strong outward position grounded on territorial wealth and political sovereignty; and *secondly*, the power and the right to supersede general church-legislation by the substitution of a rule of ecclesiastical law having no certain or positive basis but the pontifical will. We therefore devote the following pages of this chapter to trace these tendencies in the history of the past; and ask, in the *first* place, what were the relations gradually established between the church of Rome and the political bodies with whom she came into communication or collision; and *secondly*, what were the circumstances more especially affecting the state of ecclesiastical law and legislation from the reign of Constantine the Great to those of Charlemagne and his immediate successors.

I. 1. Until within a very few years of the establishment of Christianity by Constantine the Great, the Christian churches had stood in a position of antagonism to the law and government of the empire. As soon, however, as he had raised the religion of Christ to honour and credit in the state, a new relation at once sprang up between himself as sovereign and the organised body of ecclesiastics he found ready to carry on the religious government of the Roman world. We think it beyond reasonable doubt that the emperor regarded the Christian body as an instrument of the sovereign power rather than as a rule of life, or the subject of conscientious belief. It is, at all events, sufficiently certain that he entertained no idea of any intermediate authority between himself and the church to interfere with his management of affairs-spiritual, whenever it might suit him to put the ecclesiastical powers in motion for purposes

I. Relation between Church and State from Constantine to Charlemagne. A.D. 312.

1. Constantine the Great. A.D. 312-337.

of state. Constantine the Great, in fact, regarded unity of action between the secular and the ecclesiastical polity as essential to the peace and tranquillity of the community; and it required little experience to convince him that a *uniformity of profession* among his Christian subjects was indispensable to the harmonious action he was accustomed to look for in every department of his government. He was anxious, therefore, to establish in the church that outward and visible unity which existed in the Christian mind on the subject of church-government, and which corresponded so well with the plenary political representation which centred in his own person. Thus the religion of the emperor became in his view *the religion of the state*, and the general direction of both polities devolved as a matter of course upon the sovereign.

2. Church-government of Constantine the Great.

2. It was therefore in this view of his imperial competency that Constantine, by one and the same series of measures, proposed to reduce all his subjects to a uniformity of religious profession, and to establish a like uniformity among the Christian communities that had fallen under his sceptre. Alarmed for the peace of his Egyptian and Asiatic provinces, he convoked a general council of his prelates, with a view to the settlement of doctrinal dissensions, perplexing to his own mind and very dangerous to the tranquillity of more than one province of the empire. When he had obtained the required decision of his pontiffs, he, in conformity with the ancient policy and practice of the empire, forthwith invested it with the force of civil law, requiring legal obedience, and guaranteeing it by legal penalties.[a] Substantially, therefore, the council of Nicæa was in his hands a simple measure of administration, an instrument possessing no power or authority but what sprang from and again returned into the bosom of the state.

A.D. 325.

3. But Constantine was in no manner averse from that freedom of discussion which was necessary to enlighten him as to the opinions and tempers of his Chris-

[a] See Book I. c. viii. p. 184, and passim throughout the chapter.

3. The initiative in general councils assumed by the emperor.

tian subjects. He therefore not only exhibited every outward token of respect for the doctors of the church whom he had taken into his counsels, but called upon them to discuss and deliver their opinions with the fullest encouragement to believe that he would be guided by the result of their deliberations; provided always that result should promise the required relief from the difficulties and dangers of religious discord. This liberal treatment was, however, susceptible of a different construction. Unquestionably the clergy interpreted this deferential demeanour in a sense more congenial to those maxims of spiritual government they had brought with them into the new establishment. Yet throughout the fourth century we perceive no indications of an attempt on the part of the church to exercise general legislative powers independently of the sovereign. Thus the council of Sardica, though assembled rather for a religious than a political purpose, was convoked by imperial authority and command. The great council of Ariminum in like manner owed its existence to the peremptory summons of Constantius, and even to a purpose confessedly adverse to the prepossessions of the great majority of its members. Again, the second general council, which met at Constantinople under the precept of Theodosius the Great, originated rather in a personal and political motive than in any purely ecclesiastical purpose. The fathers petitioned the emperor to ratify their proceedings, and no one dreamed that any further sanction was necessary to impart to them the force of law. In fact, up to the close of this period, the initiative in all general councils rested without contradiction with the emperor. The power and the opportunity emanated from him, and he determined in a general way the objects of deliberation. It appears to have followed as a matter of course, that he who alone had the means of convoking those costly assemblies, and bound himself to provide for the vast expense they occasioned, should retain the right to give them the direction most consistent with his own interests.

A.D. 347.

A.D. 359.

A.D. 381.

4. And in point of fact, during the reigns of Constantine the Great and his immediate successors, the churchmen regarded the ascendency of the monarch in the spiritual government rather as a privilege than as a curtailment of their religious rights. So sensible were the severer members of the establishment of the necessity of a reformatory control, that they accepted the censorships exercised by the emperors as an interference which, in the absence of self-correction, was not unlawfully exercised by the state. Nor is there, within the whole of this period, any apparent reluctance in the church to accept the interposition of the state for the reformation of ecclesiastical abuses and vices, and the regulation of the practice of the clergy in their relations to the laity. In all instances of this kind the imperial decrees were addressed directly to the bishops, as the proper officers to carry them into execution; and they were published in the churches, just as laws touching secular affairs were promulgated, according to the nature of the subjects to which they related, either in the senate, the courts of law, or the camp.[b]

4. Censorship of the state accepted by the church for the correction of ecclesiastical abuses.

5. This right of correction or supervision was exercised during the reigns of Valentinian I. and Gratian, for the same purposes, though in a different spirit. The former prince lent his support to the church from purely political motives. He interfered only for the reformation of abuses, and the suppression of religious disturbances detrimental to the public interests. Gratian, on the other hand, in the absence of any very different inducements, appears to have taken upon himself to relieve prevailing grievances rather as a duty to be exercised in aid of the constituted authorities of the church than from any special view to the public welfare. The edict attributed to him is indeed of very doubtful authenticity; but if admitted as evidence of the contemporary view of the subsisting relation between the church and the state, the utmost that can be inferred from it is, that Gratian

5. Relation of the state to the church in the reigns of Valentinian I. and Gratian. A.D. 364-382.

[b] Book I. c. x. pp. 227, 228.

entertained a more deferential view of his duty towards the ministers of religion, and a more evident inclination to assimilate the church-constitution to that of the state.[c] This approximation is apparent enough throughout the history of the fourth century. The gradual centralisation of power in the hands of the arch-prelates of the capital, the great prefectures and vicariates of the empire, bears some analogy to that of the political powers in the hands of the temporal autocrat; and it was to be expected, that as the connection between church and state became more intimate, the capital of the empire would assume a position in the church corresponding with that of the emperor in the state.

6. Advances of the papal power in the fifth century; Leo the Great.

6. Of this period of ecclesiastical history we observe, therefore, that the support of the civil power was extended to the church for the most part for the promotion of political objects; that it was altogether spontaneous, and that it originated in no such paramount sense of religious duty as to overbalance the ordinary motives of state-policy. Both church and churchmen were as strictly amenable to the civil and criminal law of the empire and to the supreme control of the emperor as his lay subjects; and although within this period there are no instances of autocratic interference on the part of the monarch in matters of faith or doctrine, yet in those which related to outward organisation and discipline, the privileges granted to the church stood upon no firmer ground than those of other corporate bodies known to the law. But from the death of Theodosius the Great we discern a change in this state of the relation between the church and the state. The increasing decrepitude of government, the successive loss of provinces, the intolerable fiscal burdens weighing upon the remainder, and above all, the inveterate abuses of the court, and the consequent incapacity of the administration, had reduced Italy to a desert, and transformed the government into a den of robbers. There was now but one body in the commonwealth which still possessed that strength of organisation, that

A.D. 395.

[c] Book I. c. x. p. 240, with note (c).

unity of purpose, that eminence of moral character, which might still afford a rallying-point to the depressed spirits, and keep alive the hopes of a despairing people. The imbecile princes had learnt to lean upon the church, and to put a value upon that bond of connection which she still maintained with the severed provinces. As long as that intimacy of communication subsisted between the disintegrated provinces and the central church, the emperors might indulge in a dream of power, and entertain a hope at least of reëstablishing their political influence by a closer alliance with the only still-subsisting link or connection between Rome and her forfeited dominions. It is to this sense of weakness and dependence that we trace the success of Pope Leo the Great in pressing the alliance of the church with the state, and settling it upon a basis differing materially from that upon which it had hitherto stood. The government felt and acknowledged that the aid of the church could not be dispensed with. The religious considerations from which the edict of Valentinian III. professed to flow but thinly veil the predominant sentiment of that political necessity which prompted the measure. The church, as represented by the pontiff of Rome, acquired a position wholly her own. The treaty closely resembles a compact between independent states guaranteeing to each other the sovereignty within their respective dominions. The state-spiritual was thenceforward to be represented as fully by the pontiff as the state-temporal by the emperor. No further sanction was for the future requisite to give validity to his decrees in ecclesiastical affairs, and resistance to those decrees was to be regarded as rebellion against the incorporated state.[d]

A.D. 445.

7. The putrescence of the empire was as manure at the root of the papacy. Though the interposition of the state was not excluded by the terms of the compact, it was no longer possible to regard the bishop and church of Rome as simple instruments of secular government. In his character of "governor and director" of the state-spiritual, the pope

7. Church-policy of Pope Leo the Great.

[d] Conf. Book II.-c. iv. pp. 354, 355.

became entitled to be admitted into the councils of the state-temporal for the protection of the acquired prerogatives. And such in fact was the view taken by Pope Leo the Great of his own position in the state. He regarded the chair of Peter as the only power that could afford a remedy for the complicated calamities of the times: to him belonged the principality, and the place, and the power of supreme judge and legislator; and in that character he believed himself competent to set in motion the powers of the temporal state for the removal of all obstacles to the exercise of the "superabounding" authority which he conceived to be lodged in the chair of Peter. Thus, both for the purpose of providing a remedy for religious grievances and the protection of his people from temporal injury, Pope Leo did not scruple to take the reins of government into his own hands. At his absolute behest the Emperor Valentinian III. convoked a council to meet within the confines of Italy for the punishment of ecclesiastical offences committed in the East; and thus also, when at one time Rome was threatened by Attila, and at another put to ransom by Genseric, Leo came to the rescue as the political chief and director of his deserted and defenceless flock. Such an association of the two powers, ratified as it was by the highest moral and political expediency, introduced a parallelism of competency between the church and the sovereign, which, had it been based upon a permanent state of public affairs, must have divided the government of the world between a spiritual and a temporal monarch, leaving the nearer relation to be determined by those accidents and struggles which have hitherto decided all sublunary contests of the like nature.

A.D. 440-461.

8. This state of things was, however, of short continuance. The downfall of the Roman Empire of the West reduced the church and pontiff of Rome to a sole reliance upon their own organic powers. And now the real strength of that organism was about to be fully and fairly developed. What might have been the fortunes of the papacy under the continuing protection of

8. Downfall of the Western empire: how it affected the Roman pontificate. A.D. 476.

the imperial throne, may be conjectured from the powers exhibited when cast loose from all succour but what it derived from its inborn constitutional strength. It has been observed,[e] that the severance of the church from her connection with the fallen state at the close of the fifth century was brought about, not only without injury, but with positive advantage both to her political and her ecclesiastical position. This remarkable result was, we saw reason to believe, attributable to the gradual acquisition of powers and privileges which imparted to the church-constitution a moral and political strength, a solidity of structure, an intimacy of counsels and correspondence, altogether wanting in the disorganised and distracted state. And when it is further considered that the revolution by which the downfall of the Roman Empire of the West was accomplished was not of a nature to sweep away the entire political fabric, and was in no material respect antagonistic to that of the church, we perceive clearly enough how, under systematic management, the latter was enabled to make good the position she had won for herself, and even to deepen the impression of the importance of her alliance to the civil government, into whatever hands it might fall.

9. Parallel of secular and religious ambition.

9. And in fact, from the revolution of 476 we date a period of increasing activity and progress in the pontifical scheme. The growing rivalry between the Eastern and Western churches gave the first impulse to the reviving spirit of old Roman ascendency, which now seemed to have passed at once from republic and empire into church and pontiff. The Romans had pondered so long and so intently upon the memory of their ancient glories, that even in their deepest degradation they had not forgotten that they were once the masters of the world. The soul of the "Senate and People of Rome" had silently crept into and found a welcome refuge in the bosom of the church; nor was she in this, her new habitation, less œcumenical, less ambitious, less jealous of any adverse claim or power, than when she dwelt in the breast of a consul or an imperator. The

[e] Book II. c. vii. p. 463.

love of religious dominion is neither less engrossing nor more scrupulous than the lust of temporal conquest. The two passions have their source in the same defects of human nature, and resemble each other as closely in their several manifestations; so that in the end, absolute dominion over the consciences of mankind differs from the like dominion over their persons and material interests only in the subtlety of the influence acquired, its more penetrating despotism, its more bitter hostility to the freer development of human thought and action. This spirit in either form insinuates itself with equal facility into the bosom of nations as of individuals. States and churches imbibe it with equal avidity, and cherish it with almost equal fondness. The Roman church dated her birth from the palmy days of universal empire; and when placed in the seat of honour next the throne, she revelled no less in the pride of success than her imperial patron. Tradition gilded her cradle with a thousand triumphs, and Christians vaunted her spiritual victories with an exultation not inferior to that with which the Roman people had in past ages followed the car of the victorious imperator to the Capitol. When this proud sentiment taints the life-blood of the community, and more especially when it becomes the moving power of the social organisation, not all the vigilance of human intelligence or philanthropy suffices to rescue a remnant of political or religious liberty to the vanquished, or, in the end, to secure the victors themselves against the like servitude.

10. The *vis motrix* of the papal scheme subsequent to the dissolution of the Western empire.

10. It is remarkable, that from the moment of the withdrawal of the political support hitherto derived from the imperial government, the lust of spiritual conquest became the moving power of the papal scheme. Though the imperial dynasties of old and new Rome had for ages past lost all sympathy with each other, the theoretical oneness of the empire was still deeply impressed on the minds of men. It had, in fact, been to some extent acknowledged even by the barbarian conquerors.[f] The two great metropolitan churches stood in much the same po-

[f] See Book II. c. vii. pp. 481, 482.

sition towards each other. The alienation of the pontiffs of Rome and Constantinople was scarcely less marked than that of the two courts; yet with this difference, that the former never permitted that essential oneness to be forgotten, nor ceased to claim the unqualified allegiance of all other churches. She conceived the oneness of the church as a practical reality, instinct with life and action. In this spirit Hilarus, the successor of Leo the Great, extended the papal vicariate to the Gallic churches;[g] and twenty years later Pope Simplicius established his vicar in Spain.[h] Up to this period no effectual steps had been taken to familiarise the Orientals with the process so successfully pursued in the West. But political circumstances precipitated the measures of Rome. The government of the Emperor Zeno had been seriously disturbed by the violence of religious dissension in various parts of his dominions; but in applying the remedy (the Henoticon), he had provoked a determined reaction on the part of the pontiff. By confirming the ancient privileges of the church of Constantinople, he had roused the indignation of Rome; but his unauthorised approach towards a compromise with heresy had endangered the whole scheme of papal supremacy. The offending patriarch Acacius was arbitrarily summoned to appear and take his trial before a foreign tribunal; and the emperor himself was peremptorily required to compel obedience by the aid of the civil power. But the sting of these pretensions, when fairly apprehended, lay in the undisguised resolution of Rome to regard all concession made to her demands as a dutiful homage to her established prerogative; so as to denote in a manner least liable to mistake the immeasurable supremacy of the holy see over all other ecclesiastical judicature, and consequently to convey a practical rebuke to all governments, ecclesiastical or secular, that should presume to exert any freedom of action in opposition to the pontifical purpose. If the emperor, in defence of the privileges of his churches, supported himself upon general church-legislation and

A.D. 461.

A.D. 481.

A.D. 474-491.

A.D. 482.

[g] Book II. c. vi. p. 438.

[h] Book III. c. i. p. 8.

known ecclesiastical law, he was informed that the chair of Peter was bound by no law; that the pontifical prerogative exempted the pope from the control of any tribunal that could restrain or limit his spiritual jurisdiction; and that the very act of urging the canons of the church against that jurisdiction was in itself an infraction of those identical canons, and a contempt so heinous as to deprive the appellant of the benefit of all law.[i]

11. Gelasian doctrine of the supremacy of the spiritual over the temporal powers.

11. It scarcely ever happens that the attention of any generation of men is fully awake to the latent tendency of the prevailing practice and opinion among those of their own age. Neither state nor people are at any pains to detect the seeds of the future in the present. The directors of public opinion are themselves hardly less ignorant of the prospective value and effect of the principles they daily inculcate and act upon. Thus we find Pope Gelasius—probably without clearly foreseeing the tendency of his own doctrine—dogmatically affirming the supremacy of the sacerdotal powers over the temporal state. It was, he said, the duty of all princes to obey and promptly to execute the commands of their ecclesiastical superiors; a doctrine which fell in very naturally with the theory of Leo the Great, and seemed in truth to flow from it. The union of church and state he had projected, affirmed the principle of a mutual support, agreeably to the nature of the respective powers. The spiritual succours of the church were to be requited by the carnal services of the state. But no measure of reciprocity was or could be established. Services so absolutely different in their nature could not be made the subject of set-off against each other; the behests of the church were restricted by no positive bounds; the limited must therefore be the subject of the unlimited—the particular of the universal—the earthly instrument must sink into subserviency to the organ and interpreter of the divine dispensations. The mutuality was in name only, and destitute of any foundation in the theory of the alliance itself.[j]

A.D. 492-496.

[i] Book III. c. ii. pp. 48-55.

[j] Conf. Book III. c. ii. pp. 50-63.

12. Still, up to this point of time, we may regard the language of Pope Gelasius as the natural expression of that spiritual exultation with which the Roman pontiffs habitually contemplated their own proud position in church and state. Certainly there was, for the present, not the remotest prospect of success in bringing to maturity any such scheme of political supremacy. The civil government had never yet ceased to assert its right of interference even with the vital interests of the church for its own purposes. Theodoric the Great, throughout his whole reign, dealt with the ecclesiastical authorities as instruments of state. Like his predecessor Odovaker, he regulated the papal elections; he assumed the right to prohibit the diversion of church-property to the purposes of faction; and even to provide for the ministrations of the churches when interrupted by disorder or sedition. Though he abstained from all officious meddling with ecclesiastical affairs, he presumed frequently to check and to regulate the movements of the ecclesiastical powers when they became so abnormal or violent as to endanger the public welfare. Upon such occasions he made the officers of the church responsible to himself for the peace of the metropolis. Neither pope nor synod were prepared to repudiate this responsibility for any step that might compromise the safety of the public or the security of the governing power.[k]

12. Position of the papacy with regard to the barbaric governments.

A.D. 476-526.

13. But, on the other hand, the transfer of the powers of the state from the Roman to the barbarian ruler had tended in a great degree to slacken the bonds which connected the church with the state. The free alliance was finally dissolved; the church could no longer pray for, or support, an heretical government. The latter viewed with indifference all that appertained to the internal management of the church, provided that management was not inconsistent with the material interests of the conquerors. For this state of isolation the clergy sought a remedy in a closer consolidation of their own internal

13. The *jus divinum* attached to the whole civil and religious status of the church.

[k] See Book III. c. ii. pp. 65, 66, 71, 73, 75, 82.

organisation. They began to identify their personal privileges, prerogatives, and property, with their whole spiritual status,—to cast spirituals and temporals, as it were, into the same caldron, and to affix the same inviolable and indefeasible character to all; and in such wise that the violation of any one implied a violation of all. Thus the synod of Rome, in the year 502, presumed to repeal the secular law of Odovaker against alienations and bribery, and to reënact them upon *ecclesiastical authority;* and even to annex temporal penalties and disabilities to the breach of their ordinances. The pope, as before observed,[1] while repudiating the principle of lay interference in any matter of ecclesiastical interest, took care to satisfy the demands of the king by adopting the measures he recommended. Theodoric cared and asked for no more. A truce upon terms of independence on both sides appears to have been struck up; and time and opportunity was afforded to the church to mature and digest its own pretensions, while those of the state remained exposed to all the dangers incident to an infirm and precarious settlement in a land of political and religious antagonists.

A.D. 502.

14. But a wider field of activity than Italy at this moment afforded lay open to the papacy in the East. The position of the pontiff placed him out of the reach of danger from the wounded pride of an Oriental adversary, while it offered no impediment to communication with friends and partisans in the enemy's quarters. Pope Symmachus availed himself of these advantages to inflict a public insult upon the Emperor Anastasius; under favour of the like position, Hormisda fomented rebellion among his subjects;[m] and when the harassed prince appealed to a general council of Christendom for the settlement of the seditions and disputes which had reduced him to the brink of ruin, Hormisda declined the proposal upon any conditions but those of implicit submission to terms which degraded the projected council into a mere court for the registration of his foregone decision, affixed disgrace

14. Papal declarations of incompetency as against the civil power; Hormisda.

A.D. 515-523.

[1] Book III. c. ii. p. 83.

[m] Book III. c. iii. p. 88, and ibid. p. 96.

upon the sovereign himself, and brought ruin upon the religious adversaries of the papacy. In the same spirit, the pope declared that the interference of the secular power in any matter falling within the widest range of ecclesiastical jurisdiction or interest, except under the direction or sanction of Rome, was an overt act of sacrilege and treason against God and his church; and he denounced such interference in terms large enough to render the civil government, for all time to come, dependent upon the interests, the prudence, or the passions of the reigning pontiff of Rome.[n] Pope Hormisda traced the boundary-line of the pale of the church in the mist of indefinite prerogative; and all who declined to read it there were condemned to that outer darkness where there was no church, no unity, no promise, no salvation.

15. Legislative competency of the state for remedy of ecclesiastical abuses asserted.

15. The ultimate victory in this controversy rested, to appearance, with the pontiff. But it soon appeared that the Greeks busied themselves little about the *principle* involved in the dispute. For the present they thought only of peace, and rejoiced rather in the advantage to their party-interests than in the alliance of the Western patriarch. The ultimate gain to Rome was therefore of little importance; and it is remarkable, that at this identical juncture neither the Roman senate nor the Gothic government entertained the least doubt of their competency to perpetrate the very offences so strenuously denounced by this pope and his predecessors Symmachus and Gelasius. The senate scrupled not to solicit and obtain from the court of Athalaric an ordinance more stringent than any that preceded it against the diversion of church-funds for the purposes of bribery and venal traffic in ecclesiastical offices. They took upon themselves, by *direct legislative interposition*, to recall the Roman clergy to a sense of duty and decency, and to enforce their ordinance by temporal penalties, to which clergy and laity, pope and commonalty, were equally liable, the pontiff himself being made personally answer-

A.D. 533.

[n] Book III. c. iii. p. 112.

able to the legislature for its due publication and observance.[o]

16. Interferences of Justinian in the domain of ecclesiastical legislation. A.D. 527-565.

16. Nor does it appear that the overthrow of the Gothic power in Italy introduced any different view of the right of secular interference. Though Justinian fully acknowledged the binding character of general church-legislation, it is obvious that he did not conceive that obligation to exclude his interposition whenever the welfare of the state became involved in the conduct, the government, or the constitutional forms of the church. The reverse of this appears to have been the prevailing impression on his mind; he made laws for enforcing and strengthening the discipline, regulating the property, managing and distributing the funds of the churches, and a variety of other matters falling directly within the reserved domain of ecclesiastical legislation. With the same view, he supported the claims of Constantinople to the patriarchal jurisdiction over the Illyrian churches, and affirmed his own legislative supremacy in direct contradiction to the papal protest. It may perhaps be objected that these ordinances were in reality no more than a digested republication of the ancient canons of general and particular councils, and consequently that the work of Justinian cannot be described as an act of autocratic legislation. But the novelty of the form of this republication, coupled with a mode of promulgation altogether identical with that of all secular law, imparted to it a character so closely resembling the latter as to raise the strongest presumption that in the intent of the legislator himself no distinction whatever existed. In truth, the practice of Justinian throughout his whole reign leads to the conclusion, that in his mind the validity of ecclesiastical decrees was dependent upon the concurrence of the monarch; and that for the due execution of all spiritual ordinances "the ecclesiastical and the political authority must agree to form one perfect law for all."[p] But perhaps the best proof of the comprehensiveness of

[o] Book III. c. iv. p. 130.
[p] Ibid. p. 142.

Justinian's ideas of temporal prerogative in matters of church-legislation, may be gathered from his treatment of the controversy of the "three chapters." The interposition he thought himself entitled to exercise touched upon a principle of religious belief falling within the strictest domain of theological definition. Yet he presumed, on his own mere motion, to pass sentence of condemnation upon certain purely doctrinal treatises sanctioned by the highest act of ecclesiastical legislation; he set aside the protest of the Roman pontiff as irrelevant, and registered his own decree in a general council convoked by himself and conducted throughout in defiance of the papal contradiction at almost every step of the proceedings. It is historically manifest that the participation of Pope Vigilius in the convocation of the fifth general council was evanescent. It is equally so that the synod supported itself upon the imperial summons; and that the fathers regarded the accession of the pope as immaterial either to impart a right to inquire and discuss, or to give legal validity to their decisions.[q] A.D. 553.

17. The occupation of Rome by Belisarius in the year 536, and the extinction of the Ostrogothic kingdom of Italy by Narses in the year 553, had thrown back the pontificate into a state of political dependence from which it had been to a great extent relieved by the indifference or the policy of the barbaric conquerors. Justinian now saw no valid reason for making any distinction between the relation of the Roman bishop to his government and that of the Byzantine patriarch. Both were dealt with as the instruments of his will and accessories to his policy, secular and ecclesiastical. That policy had, however, entangled the papacy in an exhausting struggle with a large section of its own subjects, and driven the pontiff for support into the arms of the civil power. Pelagius I. appealed to Narses to aid in the suppression of religious rebellion: the ill-omened refusal of the imperial viceroy completed the humiliation of the pontiff, and reduced the papacy to a state of political

17. Depression of the pontificate: relieved by the Lombard conquest. A.D. 536-553. A.D. 555-560.

[q] Book III. c. v. pp. 152-160.

and religious depression, from which she could only be released by some one of those unforeseen interpositions which baffle human calculation. The overthrow of the imperial power in Italy by the Lombard conquest operated in a marked degree to emancipate the papacy from the benumbing incubus of Byzantine tyranny, to restore some portion at least of that self-action, that animating sense of spiritual dignity, which looked back upon the past as the warranty for the future. And now Gregory the Great assumed the reins of government with a hand not the less vigorous because it was guided by a chastened spirit and a more liberal view of ecclesiastical policy.[r]

A.D. 568.

A.D. 590.

18. Though relieved, Rome was not yet emancipated from the yoke of temporal subjection. She was now driven to maintain, under serious disadvantages, those spiritual claims which she dare not abandon. To sustain her œcumenical character, she had to encounter single-handed both emperor and pontiff of Constantinople. The title of "universal patriarch" assumed by the latter assailed a vital principle of papal ascendency; it therefore became the manifest business and duty of the pope to meet it with the most strenuous and public contradiction. In this contest, Gregory the Great found himself at open war with his imperial patron. Embarrassed by the illimitable character of his claims on behalf of the see of Peter, we cannot but admire the diplomatic skill by which he evaded the retorts of his adversary; and how, in repudiating a *title*, he reserved all that was most material and most effective in the powers denoted by it. In his hands, the effort itself operated as a success; and though attended with none of the ordinary trophies of a victory, the demonstration showed a steady front, which encouraged his friends, and drove his adversaries to excuses destitute of any more solid foundation than the claim they had to encounter. The graceful veil of personal humility by which he withdrew from observation the more offensive pretensions of his see strengthened his

18. Policy of Pope Gregory the Great. A.D. 590-604.

[r] Book III. c. v. p. 170. Ibid. c. vi. pp. 172-189.

influence, spread his fame for moderation and candour, and threw back his adversaries upon that dangerous position from which he himself had managed to slip aside. He who felt himself assured of the substance, could afford to renounce the name; while those to whom the name was every thing, were compelled to struggle under all the obloquy of the false pretence he had so dextrously evaded.

19. It cannot be doubted that Pope Gregory I. believed himself endowed with a right of moral and religious censorship over princes and people alike: but his opinions upon this subject were cast in a less arbitrary mould than those of his predecessors, Leo, Felix, Gelasius, and Hormisda. He comprehended more clearly the distinction between his duties as head of the church and as a subject of the state; and he strove to perform both as nearly as their conflicting characters permitted. Yielding with avowed reluctance to the commands of his temporal sovereign, he struggled all along against the strongest disposition to thwart his views and elude his authority; and when released from the irksome bondage by one of the darkest crimes in the annals of history, he flung himself upon the bosom of the assassin as the chosen instrument of God for the emancipation of his church from intolerable thraldom.

19. Position of the papacy under Pope Gregory the Great.

A.D. 602.

20. When we perceive one of the most upright and discerning in the long catalogue of Roman pontiffs thus tossed between the extremes of right and wrong in the effort—honest in the main as we believe it to have been—to reconcile his spiritual prerogative with his temporal duties, we are struck with the inherent inconsistency of the great principles of the Petrine primacy with any kind of reciprocity in its relation to civil government. It is clear that the papacy was at this point of time rapidly approaching the perplexing alternative of either casting itself loose from the trammels of temporal allegiance, or of tottering onwards under a load of impracticable pretensions it had not the strength to sustain, and consequently of falling back into a

20. Dilemma of the papacy.

position resembling that of the Byzantine churches under an Eastern despotism.[s]

21. Mode of extrication: the Frankish alliance. A.D. 604-752.

21. With each succeeding year the incompatibility of the papal system of government with the Byzantine connection became more and more apparent. The dependence which both the republic and the church of Rome continued to profess became an ever-recurring cause of danger and embarrassment. Between the Lombards on the one side, and their enemies the Greeks on the other, the pontiffs were put to the most perplexing shifts to extricate themselves from the false position in which their conflicting relations to both parties had involved them. For some time past they had struggled hard to obtain for their territorial possessions that immunity from the incidents and dangers of secular warfare which attached to their spiritual character. But as long as the Lombards continued to press upon every point in the extended frontier of the "patrimony of St. Peter," and the Greeks persisted in disputing with them the possession of Italy, they could do no better for themselves than strive to balance the two powers as well as they might against each other. The overthrow of the exarchate had been more than once within their power: but however desirable such an occurrence may have been in itself, yet before a sufficient counterpoise could be secured to the Lombard preponderance, that event could not be contemplated without the most serious misgivings. Under such circumstances, the boldest seemed the safest course: the distinction between their spiritual and their temporal status had been gradually lost sight of; the interests of the patrimony of the church were no longer to be contemplated separately from those of the church itself; the spiritual merged in the temporal; and thus, while the pontiffs raised one arm to keep the Lombards at bay, and to save the remnant of the exarchate, they stretched forth the other in supplication to the princes of the Franks to enable them to plunder both. When, therefore, that support was secured, they claimed as their own

[s] Book IV. c. i. pp. 245, 246; and ibid. c. v. p. 363.

all that had ever belonged to their liege lord the emperor, and contrived at the same time to strike such a bargain with their new protectors as should discharge them from all temporal reciprocity, and obtain for them every advantage of the compact without any compensating duties.[t] King Pippin the Short might consider himself under some obligation to Pope Zachary for helping him to his stolen diadem; nor was it to be supposed that the former would entertain any scruple about appropriating the property of a feebler neighbour to enable him to pay off the debt; and thus, with the aid of the new king, the pontiff became lord paramount of some of the fairest regions of Italy, upon the understanding that he (Pippin) had "by and through the mediation of the blessed Peter, in the person of his successor the pope, been anointed king, in order that through him the church might be exalted, and the prince of the apostles receive *his righteous due*."[u]

22. To explain categorically what was to be the measure of this "righteous due" did not fall within the purview of the papal policy. But as far as can be collected from the language and conduct of Popes Stephen and Paul, the obligation contracted by the protecting power extended not merely to a covenant for the quiet enjoyment of the territories included in the grant, but also to a perpetual guarantee for all future acquisitions, by whatever means obtained. Thus, when the brother-pontiffs had, in contempt of all right, withdrawn the Lombard duchies of Beneventum and Spoleto from their allegiance to their lawful sovereign, and annexed them as dependencies to the "patrimony of St. Peter," the stolen property was regarded by the robbers as constructively included in the warranty, and the protector was required to give effect to the transfer, as if the whole proceeding had been unobjectionable in itself. By frauds and extortions of this kind the last remnants of the Byzantine exarchate in the northern and middle regions of Italy were, within a few years, quietly surrendered into the hands of the holy see, and melted into

22. The "patrimony of St. Peter." The popes acquire the temporal sovereignty. A.D. 752-768.

A.D. 752-774.

[t] Book IV. c. i. pp. 245-271 passim.

[u] Book IV. c. vi. pp. 387, 388.

the general mass of territory constituting the so-called "patrimony of St. Peter." In Rome itself we still read of a republic and a senate, yet always in such a conjunction with the pontificate that it is difficult to draw any line of distinction. It appears, however, clearly enough that the popes had silently possessed themselves of the leading-strings of political government, and that in all that appertains to foreign affairs and internal administration they had already grasped the characteristic powers of sovereignty.[v]

23. Anticipatory policy of the pontificate in relation to temporal crowns. A.D. 768-772.

23. The relation which the pontiffs desired to see established between the holy see and the temporal protectorate was more fully unfolded in the communications of Stephen IV. with Charlemagne. That pontiff broadly affirmed, that by accepting the crown from his hands the Frankish princes had professed themselves the spiritual subjects of the holy see; that by that act they had been sanctified and set apart to be the defenders and protectors of their "holy mother the church," and that in that character they had sworn fealty and obedience to the Roman pontiff.[w] The foundation for this transcendental pretension had been laid some years before by Popes Zachary and Stephen III., in their transactions with Pippin the Short. The doctrine now suggested, perhaps, rather than affirmed, was, "that a mere inchoate or simply possessory right to temporal thrones was, by the papal sanction, convertible into a solid moral and religious title; and that crowns might be conferred and successions unalterably determined by the spontaneous act of the Roman pontiff."[x]

24. Prospects of the papacy within the Carolingian period. A.D. 768-840.

24. That Charlemagne or his immediate successors acknowledged, or even apprehended, these pretensions can hardly be imagined. But it was enough for the present that they had been clearly enounced and placed upon record, and that they had been received without contradiction or disapprobation. The king of the Franks no

[v] Book IV. c. vi. pp. 388-394; ibid. c. vii. p. 396.

[w] Ibid. c. vii. pp. 400, 401.

[x] Ibid. pp. 411, 412.

doubt understood his obligation to be limited to the punctual performance of his father's covenant. He does not, indeed, appear to have been at any pains to ascertain what that covenant amounted to; on that matter he took the word of the pope with the less scruple that it was to be redeemed at the expense of a prostrate foe.[y] Rome, though she affected to be satisfied with the amplitude of the donation, could not but perceive that Charlemagne's assumption of the title of *King of Italy* implied a supremacy out of all harmony with her scheme of sovereignty. The title of "*King of the Lombards*" conferred by the pontiff would, if adopted, at once have strengthened the prospective pretension to give away temporal crowns, and placed beside the papacy a power limited by the rights of the princes to whose place the new dynasty would thus have succeeded. On the other hand, the "*King of Italy*" might appear to step into the rights and powers of the Byzantine Cæsars, and in that character claim an allegiance not unlike that which the papacy had for ages borne with anger and impatience. But many years elapsed before the great issue arising out of this complication was ripe for discussion. The pontiffs of Rome might go on for centuries to come assuming their own absolute sovereignty within the patrimony of St. Peter, and even preaching the derivative character of all earthly crowns; the princes of the earth might hearken to, and even profit by, the countenance of the chair of Peter; yet, after all, they showed little disposition to hold their crowns otherwise than upon their own terms; and the pontiffs were made painfully sensible that a long and arduous struggle lay before them for the realisation of that grand dream of universal dominion they may be reasonably supposed to have indulged in, when ostensibly permitted to give away kingdoms, and to bind the most powerful of earthly monarchs in a perpetual covenant of fealty and service to themselves.

II. We take leave now to recall to the reader's recol-

[y] Book IV. c. vii. pp. 413, 414.

II. State of ecclesiastical law and legislation from Constantine to Charlemagne.

lection a few leading particulars relating to the *state of ecclesiastical law and legislation* affecting the Latin church as a religious body at various periods from the reign of Constantine the Great to that of Charlemagne.

1. Corporate unity of the primitive church.

1. The Christian church of the three first centuries consisted of an aggregate of associations cemented together by no precisely defined constitutional polity. Until the churches became absorbed into the state, that polity was purely voluntary and religious; the bond of union was a spiritual bond, and the legislative authority rested wholly upon general consent and community of object. After that point of time the hierarchical constituency gradually assumed a political character; it became in a great degree an instrument of state, and adapted itself insensibly to the form and mould of the secular power with which it had become associated. With all this, however, the church as a body had retained inviolate the principle of a corporate unity, and had generally agreed to regard the supposed chair of Peter as the symbol and—within a comparatively short period—as the *representative* of that external unity which constituted her strength and secured her standing in the political world.

2. Laws and legislation of the early church.

2. Still the constitutional scheme of church-government continued to be purely oligarchical. The great patriarchates acknowledged no dependence upon any one of the number, and the provincial prelacy followed their lead as long as neither wish nor opportunity existed to dispute their authority. The laws by which they were governed were of two kinds. The *first* may be designated as the common law; the *second*, as the statute-law of the church. The former consisted of a variety of customs and immemorial practices regulating discipline and ritual; the latter was framed from the collected resolutions or canons of general and provincial councils, called together from time to time to determine litigated questions of doctrine, and to introduce such changes and reforms into the general government as the circumstances of the times might

render necessary. While this state of things lasted, the bishop was regarded as the sole representative of his church, and the great body of the bishops as the only source of positive ecclesiastical law.

3. Advantageous position of the Roman patriarch in the councils of the church. Period, the fourth century.

3. But the union of the church with the state had an almost inevitable tendency to disturb the equilibrium of episcopal authority. It gradually prepared the minds of clergy and laity to adopt in the church forms corresponding with those to which they were accustomed as the subjects of a despotic state;[z] and as in the body-politic the emperor was regarded as the living representative of the monarchical unity, so in the church the patriarch of the capital gradually assumed a corresponding status in the body-spiritual, and thus became the living representative of the sacerdotal unity. The right to entertain appeals from other churches seemed to flow naturally from this supremacy of rank, accorded by common consent to the bishop of Rome: like the emperor in the state, he had no equal in the church; he was the medium of communication between both; the readiest instrument for putting the ecclesiastical powers in action for the removal of the frequent disturbances to the civil government arising out of religious strife; and, in the latter days of the empire at least, the last prop of a demoralised and sinking state.

4. Rome's claim to the initiative in church-legislation.

4. But until the eve of the collapse of the Western empire, the balance of the episcopal power was as yet tolerably well maintained by the pressure of the government upon the church. During the whole course of the fourth century, the direction of the ecclesiastical powers was almost wholly in the hands of the government; and while this state of things lasted the general course of church-legislation took the turn impressed upon it by the latter.[a] The pontiff, it is true, claimed the initiative in the councils of the ecclesiastical body; but was as yet, both in his administrative and legislative character, restricted within the

[z] See Book I. c. vi. pp. 150, 156, c. vii. p. 159.
[a] Conf. Book I. c. ix. pp. 202-213 passim.

bounds of the established law of the church. Even that modest advance in the pretensions of the metropolitan bishop remained unacknowledged to the end of the fourth century. The two first general councils took upon themselves to determine the rank of the patriarchal metropolitans upon a ground which had always been encountered by the emphatic contradiction of Rome;[b] a fact in itself irreconcilable with the presumption of any legislative authority lodged in the holy see different from that which resided in the whole body, and in each member of the church constituency.

A.D. 325-381.

5. But Rome had never cordially acknowledged, much less submitted to, catholic legislation. With the year 384 commences a series of documents generally known by the name of "Decretals;" a name applied to the pastoral charges and replies of popes upon several matters of religious practice and discipline referred to them by various churches of the Latin communion and others. There is scarcely any period of time at which the pontiffs of Rome have not striven to establish the parallel between these decretal epistles in spirituals and the imperial decrees and rescripts in temporal legislation. Siricius himself assumed the character of ecclesiastical lawgiver almost without disguise.[c] The establishment and extension of the papal vicariate in various ecclesiastical provinces lying wide of the ordinary jurisdiction of the Roman pontiff, without the concurrence of any general synod or assembly of the churches affected by it, cannot be distinguished from an act of legislative authority.[d] The communications of the pontiffs of the fourth and fifth centuries with foreign or distant churches were expressly calculated in their tone and spirit to obliterate the distinction between simple participation in the councils of the episcopal body and the enactments of an irresponsible legislator. The "rules and regulations," the "rescripts and ordinances" of the apostolic see, are described as of universal obligation;—it is the duty of all churches, in all

5. Papal decretals substituted for Catholic legislation. A.D. 384.

[b] See Book II. c. i. pp. 256-258.
[c] Ibid. c. i. p. 265.
[d] Ibid. pp. 280, 281.

respects, to abide by the decisions of that see; for she is the "fountain-head of all authentic tradition."

6. A claim to an exclusive and irresponsible right to declare what is and shall be law differs little, if at all, from a right to make law. But there is nothing in the history of the papacy which marks a wider range of pretension than the asserted *maternity of the church of Rome.* That inveterate symbolism, which had tainted the Christian mind from its earlier dawn, now ushered into the world a myth which cast a scarcely less potent spell over the spirit of the church than that of the "cathedra Petri" itself. The dream—and historically it was nothing more—of a relation of maternity subsisting between the church of Rome as parent, and the other churches—of the West at least—as her children, drew after it the natural incidents of filial homage and obedience. Upon the strength of this fabulous maternity Innocent I. boldly affirmed the "usages of the apostolic see" to be the law of the church; and Rome, as the mother and mistress of the church-catholic, to be, as it were, by the law of nature, the *legislator and ruler* of her own offspring.[e] Regarding herself as the fountain-head of all episcopal power, she affirmed, with an audacity to which history furnishes few parallels, that no general ordinance, no organic law, could be lawfully derived from any other source; and that the universal church could give lawful obedience to no other voice than that which issued from the lips of her mother and mistress. The climax of the delusion, the crowning error, lay in the groundless appeal to the "sacred institutions of the fathers" on behalf of a scheme for which not a scrap of canonical recognition or general assent could be exhibited.[f]

6. Alleged maternity of the Roman church. Period, the fifth century.

A.D. 414.

7. Within the earlier decade of the fifth century, the efforts of the church of Rome to substitute her own peculiar usages for those of the provincial churches which she had drawn into her communion were continuous and persevering,

7. Language of Rome in the fifth century.

[e] Book II. c. i. p. 282. [f] Ibid. p. 286.

though not always successful. She repudiated systematically the more modest character of chief minister of the ecclesiastical unity, and assumed on all occasions the language of a sovereign prince and legislator; when she spoke it was of *her own authority*, and not from any external impulse or authority,—not as a member of the great Christian senate, but as the oracle of the law itself. The occasional failure of these inroads upon the episcopal rights did not deter her from reiterated denunciations of all such resistance. Christendom might listen with impatience to the theory of Optatus; the faithful might occasionally recoil from the insulting degradation of their cherished pastors from the self-existent position they had hitherto occupied to that of a *delegated power*, having no life of its own but in and through the sources from whence it flowed,—a stream which ran dry the instant it was cut off from the parent stream;[g] yet there remained behind an enduring attachment to the communion of Rome, partaking, indeed, as much of a customary and political as of a religious character,—which amply indemnified her for the rebuffs to which the extravagance of her demands upon the docility or the credulity of Christendom occasionally exposed her. The African churches, it is true, had evinced a marked reluctance to recognise any authority in the chair of Peter competent to vary the established terms of ecclesiastical obedience; any dispensing power by which the general law of the church might be evaded; or any supererogatory prerogative empowering her to make new laws, or to add to, or engraft upon the old, provisions not therein expressed or implied. The issue, indeed, between these churches and the see of Rome, when examined, is found to amount to a clear negative upon the general legislative powers claimed, and a formal release of the episcopacy from every duty but that of an attentive and respectful consideration of her admonitions, and a cordial coöperation whenever she might think fit to put the ordinary law-Christian in motion against ecclesiastical offenders.[h] But the danger to Rome in this quarter soon

A.D. 416-422.

[g] Book II. c. ii. pp. 295, 296.

[h] Book II. c. ii. pp. 303-308.

passed away. The Vandalic conquest swept the African churches from the face of the earth; and Rome was relieved from a resistance all the more formidable that it was supported by the great name of Augustine of Hippo, and a prelacy of higher theological attainments than those of which any contemporary school of law and divinity could boast. A.D. 429-439.

8. In this retrospective view of the advance of the legislative prerogative claimed by the see of Rome within the fifth century, we must not overlook a feature which perhaps more clearly marks its true character than any other. The pontificate of Cœlestine I. brings before us a first attempt to combine in the hands of the pontiff the law-making with the *executive* powers of the church. It is true that the mission of the papal "executores" to the Africans was rejected with indignation; but that mission was never cancelled; the office was retained, and, in skilful combination with the vicariate, rendered efficient support to that arbitrary censorship assumed to belong to the chair of Peter. By this species of delegation the executive powers of the metropolitans and bishops within their respective jurisdictions might be converted into the subject of special grant from the pope, or altogether superseded; and thus, by gradual encroachment, the episcopate might be reduced to a simply ministerial and dependent office. If, indeed, the pontiffs had been able to allege a shadow of canon-law in favour of these innovations,—if, in fact, we did not find them to be in direct contravention of well-known statutes of the church,—we might hesitate to denounce the scheme of church-government disclosed in the pontifical documents of the fifth century as a deliberate contempt of the privileges of the whole episcopal body. But, though nothing can be clearer than that, if that scheme had been carried out in the sense and to the extent indicated in those documents, the process must have ended in the concentration of all the powers of the state-spiritual in the hands of the pontiff of Rome; yet we are not prepared at once to pronounce that the design had arrived at ma- 8. Characteristics of the pontifical policy in the fifth century. A.D. 422-432.

turity in the mind of the pontificate itself. It is by no means certain that the ultimate result of the principles so zealously asserted lay before the successive agents as practicable, or perhaps even as desirable. The efforts of the papacy during this whole period assume the character of a struggle for influence rather than for positive dominion; they desired to master the springs and movements of ecclesiastical action rather than to subjugate and convert them into the passive instruments of autocratic government. They refused, it is true, to admit of an equal; they tolerated no contradiction; they could hold no language but that of command; they could endure no resistance to their mandates, or limitation to their sphere of action: but the moral and physical means at their disposal for the accomplishment of a perfected scheme of religious absolutism were for the present so inadequate as to render it improbable that the occasional claims put forward had ripened into a definite plan and purpose in their own contemplation. No attempt was therefore made to dispute the legislative authority of the body-corporate of the church; the object being rather to master and direct its proceedings into a channel marked out for it, and deemed by the pontiff most conducive to his ultimate views of influence in the councils of the church. Thus Cœlestine I. at the great synod of Ephesus (A.D. 431), and Leo the Great in that of Chalcedon (A.D. 452), strove to convert the ecclesiastical legislature into a court for the registration of their predetermined decrees. Neither of these councils affected to represent the Western churches otherwise than by and through the papal legates. Very few Latin bishops attended either; and it may be doubted whether the remoter branches of the Western constituency had any notice of the meeting. Nothing, in fact, could be further from the policy of the court of Rome than to encourage such a participation. The conciliar decrees were brought to the knowledge of the Western churches through the pontiff alone; they came to them impressed with his seal, and authenticated only by his ratification and signature; and thus were made to present no apparent

A.D. 431-452.

difference in form from the ordinary mandates which from time to time issued from the centre of the Latin unity. The authority of the church-catholic was by this process thrown into the shade, and might be made to appear as a power moving from, and simply ancillary to, the chair of Peter,—an instrument for the promulgation of its supreme decrees,[i] rather than a self-existent legislature competent to make laws for and against all.

9. Defective ecclesiastical law; the remedy; Pope Leo the Great.

9. We have before observed that the advance of the papal prerogative was powerfully aided by the general poverty and confusion prevailing in the ecclesiastical law and polity. For an evil of which the churches became day by day more deeply sensible, Rome had proposed a remedy; and the state appears to have accepted it. Leo the Great had dogmatically affirmed an "ever-living power" and "superabounding authority" residing in the see of Peter, which might either supply the deficiencies of ecclesiastical law or supersede it altogether. Valentinian III. had decreed the bishop of Rome to be the "*director and governor*" of the churches, in such wise that "whatever the apostolic see hath or doth, or shall ordain, shall be as law." As far as the executive powers of government were affected by this act, the state-spiritual was thenceforward to be represented as fully and universally by the pontiff of Rome as the state-temporal by the emperor. Thenceforward no secular sanction was required to give validity to the administrative ordinances of the pope; resistance implied rebellion against the federated powers, and all acts done by the pontiff under that decree were *ipso facto* adopted into the law of the land.[j] Yet it is hardly to be assumed that Valentinian III. directly contemplated an absolute transfer of the legislative power of the universal church to the see of Rome. It is probable that he intended only to enlarge the jurisdiction, and to lodge more effective executory powers in the hands of the pontiff. But so universal was that jurisdiction, so boundless the means provided for its support, that Pope Leo may well have conceived himself

A.D. 445.

[i] Conf. Book II. c. iii. pp. 322-342.

[j] Book II. c. iv. pp. 354, 355.

invested with the combined functions of legislator and judge. It is possible that the ignorant and superstitious prince partook of this view of the pontifical authority. The unlimited demand of administrative authority implied in the imperial grant could hardly have escaped the dullest apprehension.[k] Pope Leo claimed the absolute direction of the councils of the church, the right to convoke them when and where it might seem most convenient for the maintenance of an effective control over their proceedings; he assumed the presidential chair through his legates; he repudiated every approach to equality of rank or influence; he protested against any departure from the course of deliberation prescribed by his own programme; he commanded that all proceedings should run in his name, in order that they might appear to derive their validity from his approval. To crown the catalogue of encroachments upon the Christian legislature, he insisted upon the adoption of his dogmatic definitions upon an important article of *religious* faith without question or inquiry; and reserved to himself, *by virtue of his office*, a right to approve or reject the resolutions of assembled Christendom, as they might seem to him to affect the prerogative of the see of Peter as defined by himself.[l]

A.D. 452.

10. The management of the great synods of Ephesus and Chalcedon by Pope Leo the Great throws the fullest light upon the views and intentions of that pontiff. The repudiation of the xxviii^th^ canon of the latter council upon allegedly canonical grounds[m] implied a certain homage to canonical authority, perhaps a misgiving as to the plenary competency of the "superabounding power" to abrogate an ordinance of the universal church.[n] Yet, whatever respect he might entertain for established law, it is obvious that if that regard could be diverted to the see of Rome,—if, retrospectively as well as prospectively, the synods of the church could be deprived of all self-action,—the position of the papacy would be improved rather than impaired by an appeal to the canons. As sole official expositor of

10. Management of Pope Leo the Great; its tendency.

[k] Book II. c. v. pp. 378, 379.
[l] Conf. Book II. c. v. passim.
[m] The vi^th^ canon of Nicæa.
[n] Ubi sup. p. 400.

the law-Christian, little difficulty could arise in the due accommodation of that law to the prerogative of the holy see; and after that it might be no difficult matter to oust the church-catholic of all but a permissive and ministerial action, and, in the end, to conclude all original legislation under the exceptional prerogative of the holy see.[o]

When a whole course of individual conduct points unmistakably in one direction, we cannot be in error in imputing some general—though, it may be, immature—design, some plan corresponding in character with the means resorted to. That Pope Leo treated the great council of Chalcedon as a merely passive and ministerial body, admits of no doubt. That this view of his own position in the church was predominant in his mind, appears even more clearly in his dealings with the individual members of the church-constituency. With the prerogative of supreme judge, he took to himself that of pardon, and imputed to his absolutions an efficiency to restore forfeited right and competency to converted delinquents.[p] He encouraged the bishops of the East to correspond *directly* with himself; a step tending to break down all the customary barriers of ecclesiastical subordination, by teaching the inferior clergy to disregard their canonical superiors, and to look to him as the protector and guardian of their rights.[q] The assumption of a general dispensing power, which lurked in almost every public act of this distinguished pontiff, brings, in fact, the powers arrogated by the chair of Peter into the closest analogy to those of the temporal autocrat. The laws and canons of the church were to the pope what the edicts and rescripts of the emperor were to the state,—to be regarded, namely, as legislative instructions to their respective subjects, implying no such restraint upon the rulers themselves as should prevent them from dealing with decrees, ordinances, laws, or canons, as expediency or interest might dictate.[r]

11. Such we may conclude to have been the general

[o] Ubi sup. p. 410.
[p] See the pardon of Anatolius, ubi sup. pp. 416, 417.
[q] Ubi sup. p. 415.
[r] Conf. Book II. c. vi. p. 436.

tendency of the policy adopted by Leo the Great. But as it rested not so much on uniform verbal definition or explicit declaration of right as on incidental acts and expressions, we must collect the intent by such rules as the facts naturally suggest or warrant. Pope Hilarus, however, furnishes us with an instructive commentary on the precepts of his illustrious predecessor. He introduces to our notice a term of ecclesiastical law of very frequent recurrence in after-ages. In obedience, he says, to the "*ordinances of the fathers*," all churches are bound to conform to the usages of that of Rome; and he directed the Archbishop of Arles to give all diligence in introducing those usages into his churches, "in order that, *as there is but one faith*, so there may be *but one order and discipline* in the churches." This pontiff at the same time maintained that *all regulations* made by the pope of the apostolic see upon his own inquest and adjudication must be received and adopted by all churches with implicit obedience. He seems, however, to have entertained a reservation on behalf of the civil power as a concurrent party in ecclesiastical ordinances, "it being manifest," he adds, "that whatever is ordained by the joint sanction of the papal and royal authority cannot be disobeyed or contradicted." He regarded this joint action of the two powers as constituting a perfect rule of law, at least as to matters of order and discipline. The share assigned to the state was, however, in reality no more than that inferential sanction which was deducible from the general federative union. Taking his stand upon the decree of Valentinian III., he claimed the same efficacy for his disciplinarian ordinances as if they had severally and individually received the imperial assent, so as on each particular occasion to authenticate them with the impress of state-law, and enable him to stigmatise resistance as rebellion. The principle of Pope Hilarus includes a pretension falling, in fact, little short of a universal legislative faculty. Coupling the unlimited right of visitation with that of framing ordinances for the remedy of evils which, in the practical exercise of that

11. "Rules and ordinances of the Fathers" identified with those of Rome; Canon of Pope Hilarus. A.D. 461-468.

right, might be brought to light, we detect a design obviously subversive of the liberty of the subject churches, and wholly inconsistent with any but a very limited and merely permissive action in their own internal government. Resting upon the basis of autocratic legislation, the pontiff claimed for his own ordinances an authority equally absolute with that imputed to the imperial decrees.

12. Bereft by the downfall of the Western empire of the external support derived from her alliance with the state, it might have been expected that the church of Rome would have shown some signs of weakness; that she would have receded from some of her extreme pretensions; that the subject churches would have emancipated themselves from the more galling incidents of her supremacy, and placed their connection with Rome upon a more liberal footing. None of all these things happened. The barbaric conquests had weakened the self-supporting powers of the provincial churches; it had depressed their spirits, and drawn them into a still closer connection with the great metropolitan patriarch, whose political position—as already observed—was not materially impaired by the revolution which cast them loose from the state.[s] Rome was now the only rallying-point of Latin Christianity; and Rome was still eager to offer the like support, in return for the like subserviency.

12. Relative position of Rome and the Western churches after the fall of the empire. A.D. 476.

13. The political severance of the Western from the Eastern realm of Christendom had the further effect of dissolving that international bond which had hitherto imposed some check upon the extreme license of speech and conduct in the intercourse between the two churches. While the pontiffs declined to lower their tone to the prelacy of the East, they now pitched it to a higher key in their intercourse with the sovereign, and his representative in the ecclesiastical government the rival patriarch of Constantinople. Pope Felix II. boldly flung overboard every rule of law to reach the offending Acacius. Gelasius repudiated all mutuality of episcopal courtesy;

13. Rome reduces all ecclesiastical law within the domain of prerogative. A.D. 484-492.

[s] See p. 11 of this chapter.

A.D. 492-496. he admitted no distinction between communion and subjection, and strove with wonderful tact and audacity to confound papal with œcumenic legislation, to substitute decretals for laws, and finally, to reduce all ecclesiastical ordinance within the domain of the papal prerogative. The appeal to any other canons but these was declared to be an infraction of all; "for," said this unscrupulous champion of prerogative, "it is *by virtue of these very canons* that an appeal to the chair of Peter is given to the whole catholic body:" from that tribunal there could be no canonical resort; the sentence of Rome was irreversible, and, without distinction of princes and prelates, clergy and laity, binding upon all the world. No pontiff had ever claimed with more uncompromising boldness an absolute exemption from the ordinary rules of synodal action when he should see reason to depart from them; to enact and to vary, to expound, to declare, and to apply the law, and, after all, to be bound by them or not, as it might suit his pleasure or the exigency of the case in hand.[t]

14. Absorption of church-legislation into the pontifical prerogative. Canon of Pope Gelasius.

14. It may be stated as matter of fact, that in the contemplation of Pope Gelasius, the prerogative of St. Peter's chair, as he found it upon the records of his own church, had swallowed up and absorbed the whole body of ecclesiastical law. But he went a step greatly beyond this when he affirmed that the holy see was endowed with power from above to reverse all conciliar decisions, to absolve all who may have been synodically condemned, and to bring to judgment all who might have been wrongfully acquitted: for, he observed, synods are *only a mode* of publishing and bringing to the knowledge of men *the decrees of the holy see*, but unnecessary to confirm what she has already decreed or decided; for "that see hath a right at all times, and under all circumstances, *upon her own authority*, when she can, where she can, and in conjunction with whomsoever she may please, to do what is needful for the execution of the laws of the church."[u]

[t] See Book III. c. ii. pp. 50-58.

[u] Ibid. pp. 61, 62.

15. Taken together, these declarations of right amount to the broadest assertion of religious autocracy, both in the legislative and the executive departments of church-government. Pope Symmachus fortified this position by embodying in the code of Rome-made law the ineffable doctrine of *papal impeccability*. In his capacity of supreme governor, the pope could not be convicted of error; in that character he was therefore responsible to God alone. Connecting this transcendental status with the Gelasian doctrine of prerogative, the pontiff was now in theory supreme legislator when he declared the law, and supreme judge when he applied it.[v] Throughout these dogmatic definitions the chair of Peter is conceived as the exclusive repository of religious truth: to tamper with or to deny its decrees, or even to connive at dissent, was a betrayal of a sacred trust, a treason against God and his church, to be purged by no compromise, redeemed by no sacrifice but that of unconditional repentance and submission. All who declined to follow the papal car as captives, were to be deemed rebels and traitors.

15. The pontiffs centre in themselves the legislative and judicial powers of the church-catholic. A.D. 498-514.

16. We content ourselves with repeating in this place, that the steps in advancement of the papal claims during the three pontificates of Gelasius, Symmachus, and Hormisda,[w] are more strongly marked than during any prior period of their history; and that, when maturely considered, they will be found to embrace all the theoretical elements of a power excluding reformation or amendment from without, as fully as it repudiates all limitation or control within.[x] The practical obstacles to be overcome were principally the frequent but irregular interference of the secular power with ecclesiastical affairs, the lingering attachment of the outlying churches to their primitive liberties and customs, and the still surviving principle of episcopal equality, to which even Rome —however adverse her practice—had never yet ventured

16. Obstacles to the accomplishment of the autocratic scheme of church-government.

[v] See Book III. c. ii. p. 82.
[w] Between the years 492 and 523.
[x] See Book III. c. iii. p. 112.

upon a dogmatic contradiction. The *first* of these impediments to the practical recognition of a pure autocracy in the church of Rome has been already adverted to at some length; the *second* is illustrated in the several conflicts sustained in the endeavour to substitute the "traditions of the fathers," the Roman discipline and ritual, for the customary practice of particular churches; the *last* of these difficulties is exemplified in the struggle of Constantinople for the equality of rank adjudged to her by two general councils, and the sullen resistance of the ecclesiastical bodies—principally in the East—to the despotic commands of Rome, when brought before them in such documents as the Libelli of Popes Felix III., Gelasius, and Hormisda.[y] A *fourth* impediment may be traced to her own internal corruptions; such as solicitation, bribery, diversion, or embezzlement of church-funds, popular and sacerdotal sedition, and the abnormal interference of the state for the repression of malpractices productive of disturbance to the public peace, and serious loss of character and influence to the church.

17. Re-annexation of Rome to the empire by Justinian. A.D. 553.

17. The re-annexation of Italy to the Byzantine empire tended moreover to check the advances of the Roman scheme of church-legislation. The despotic control assumed by Justinian over the movements of the popes, and the anomalous share he took in the enactment of ecclesiastical law, cast a shade over the theoretical prerogative of Rome, from which she did not emerge during the course of that and the following age. The Gallic and North-Italian prelacy regarded departure from the decrees of a general council of the church as beyond the competency of any ecclesiastical authority. The pontiff of Rome, as of every other church, they believed to be thereby irrevocably bound; and any attempt to reverse, curtail, or amend the acts of an œcumenical synod was stigmatised as an act of schism. Long and arduous was the struggle to retrieve the false step of Popes Vigilius and Pelagius. The unity and cordiality of support hitherto enjoyed was broken up;

A.D. 554, 555.

[y] Book III. c. i. p 31; ibid. c. ii. p. 54, and c. iii. p. 116.

and so seriously was the papal influence impaired, that when Gregory the Great assumed the reins of government, he felt himself compelled to seek external aid to gather up and re-connect the fragments of that vast prerogative which had so nearly slipped through the fingers of his predecessors.

18. Though that great pontiff believed himself as fully entitled to exercise a moral and religious censorship over all princes and people as any of his predecessors, he pressed his prerogative with far less of heat and eagerness. His tone is exempt from that haughty dogmatism, that acrimonious impatience of contradiction, which runs through their correspondence with foreign churches. He strove to reconcile the extreme pretensions of his see with his temporal allegiance. He freely acknowledged the distinction between his authority as head of the church and his duty as a subject; an equilibrium of sense and feeling of which there are few traces in the language or conduct of Leo, Felix, Gelasius, or Hormisda. He could recognise a sovereign; he could admit an equal; he could reverence other rights than his own; he could disclaim that arrogant bearing which would have lifted him above the episcopal brotherhood, and dubbed him lord and master in the church it was his pride to serve. Happy for this good man that his official life fell within a period affording little inducement for the indulgence of that spirit of overbearing pretension which had by this time become inherent in the very nature of the scheme over which it was his destiny to preside. But the views and pursuits of papal Rome were about to be diverted into a different channel. The character of supreme legislator and governor could no longer be sustained by spiritual weapons alone. The temporal props upon which she had hitherto leaned, had been withdrawn one by one; and the problem now before her was how to nurse up her religious powers and pretensions into such a political self-existence as should afford a surer pledge for her spiritual status, and place her before the world as "one having authority,"—the only authority upon a level with the

18. Mitigated pretensions of Rome under Gregory the Great. A.D. 590-604.

apprehensions of a generation that could be brought to respect no other.

19. Rome-made law in the seventh and eighth centuries; England. A.D. 604-752.

19. The process by which this result was produced has been already adverted to at some length. But while the struggle was still in progress, times and opportunities occurred for preparing the way for the fuller development of the scheme of universal legislation which had been sketched out by the vigorous pontiffs of the latter years of the fifth and part of the sixth century. The popes, from the death of Hormisda (A.D. 523) to the accession of Gregory the Great (A.D. 590), had not yet sufficiently recovered from the torpor of the Gothic and Byzantine pressure to take any decisive steps for the introduction of Roman decretal law. But from the accession of the latter pontiff forward, we trace a variety of efforts to induce the Spanish, Frankish, and Anglo-Saxon churches to adopt, in lieu of their own particular codes or customs, a system of ecclesiastical law collected and digested in Rome. In the newly-founded Anglo-Saxon churches Rome was in the end successful. The resistance of the Scoto-Irish establishment was quelled, and the so-called "rules and regulations" of the holy see were ultimately accepted, upon the word of Rome, as the law of the universal church.[z] Pope Vitalian (A.D. 657-672) may claim the merit of imposing pontifical legislation as operative ecclesiastical law upon England. Vain was the appeal to the chartered liberties of the English church against the persevering importunities of Rome. Wilfred of York declined the jurisdiction of his metropolitan, and successfully pleaded a pontifical decree against the sentence of the national prelacy. Pope John VI. claimed an indefeasible right to supersede domestic legislation by the interposition of an appeal to Rome, grounding his demand upon the alleged maternity of the Roman church; "for," said he, "whosoever disobeyeth his *parent in the faith*, must be numbered among the castaways."

A.D. 657-672.

A.D. 705.

A.D. 701-705.

20. In France and Germany no great success at-

[z] Book IV. c. iv. pp. 325, 327, 330, 339, 341.

tended the attempt to introduce Rome-made law before the advent of Winfred, or Boniface (Archbishop of Maintz A.D. 735). But that zealous man entered the field as the devoted agent of the papacy. His instructions were, we are told, conveyed in "*a book in which were written the most holy laws of the ecclesiastical constitutions enacted in the pontifical synods.*" By these he was to be guided, and from them he was directed to govern and to teach. It was enjoined upon him to take special care that the bishops to be appointed by him should keep inviolate the whole "apostolical and canonical tradition." Under these instructions, the synods assembled by him adopted the canon-law of Rome as the sole rule of faith and discipline; and consequently a public avowal of "subjection to Rome," and a deliberate adoption of Roman law, was inscribed upon the records of the national church.

20. Roman law in France and Germany within the same period; Boniface. A.D. 735.

21. Thus far the papal scheme of substitution had been attended in the West with important results. Italy, France, Germany, and Britain, had accepted a code of law compounded of a variety of elements, but all of them professing to derive their validity solely from the papal adoption and promulgation. What these elements really were, it will be our duty to inquire hereafter. For the present, we must trace the progress of the like claim upon the faith or the credulity of the Eastern churches. The efforts of Rome in that quarter, though pushed with equal perseverance, were, it will be found, attended with a very different result; the alternation of triumphs and defeats sustained in the course of the conflict served, in fact, only to accelerate the final schism between the two great branches of the Christian church.

21. Attempted introduction of Roman law in the East.

The Byzantine Cæsars had from all time regarded themselves as heads of the church in temporals. They always considered it as within their prerogative to confer or to take away ecclesiastical appointments at their pleasure. They controlled without contradiction the movements of the great clerical body; they superintended

the maintenance of discipline, and in a great degree directed their deliberations. There was no department of ecclesiastical government, questions of faith and doctrine not excepted, in which the emperors had not very constantly taken the lead, not unfrequently themselves originating measures of purely religious concernment. The Henoticon of Zeno, the doctrinal and disciplinarian code of Justinian, the Ecthesis and Type of Heraclius, the acts of the so-called fifth general council (the three chapters), and the supplementary canons of the Quinisext, stood out as prominent and unmistakable acts of religious legislation originating with the court of Constantinople. It was at once perceived that these measures struck at the root of the ecclesiastical constitution; they threatened unequivocally the ultimate absorption of spiritual government into that of the state. The desultory resistance of the hierarchical party in the East was unequal to the contest with the temporal despotism. Corruption, intrigue, alternate subserviency and rebellion, faction, schism, the internecine warfare of religious fanaticism,—all contributed to throw into the hands of the government both the power and the right to apply a remedy to the unnumbered evils thus engendered. Shocked alike by the foul aspect of the disease and the unlicensed interference of the temporal empiric, Rome stoutly rebuked the pretenders, and proposed herself as the true physician, endowed from above with the healing powers that could alone reach the seat of the distemper.

22. Constantinople declines to accept Roman law; Justinian. A.D. 519-568.

22. In this pretension Rome had, as we have seen, not been wholly unsuccessful. In consequence of the victory of Pope Hormisda (A.D. 519), the court appeared to have conceded the remedial function to Rome; but had most commonly withdrawn the requisite powers, and avoided or evaded all occasions for its exercise. Constantinople, in fact and in practice, still declined to take her law from Rome; and every act of the Byzantine court and pontiff either contradicted or neutralised the professions of submission and obedience extorted by the fury of religious faction and the terrors of domestic anarchy.

As already observed, the Emperor Justinian installed himself as supreme legislator in the ecclesiastical government; and the close of his reign (A.D. 565) left the papal interests, both in the East and West, in a state of prostration which seemed to shut out every prospect of ever repeating the successful experiments of a Leo, a Felix, a Gelasius, or a Hormisda.

23. Tactics of Pope Gregory the Great for recovery of the prerogative. A.D. 568. A.D. 604-800.

23. But the temporary dominion of the Byzantines in Italy speedily drew to a close. The sudden descent of the Lombards from the Carnian and Julian Alps divested the feeble successors of Justinian of all but a fragment of his magnificent conquest. The relations of the pontiffs of Rome to his successors dwindled at once into a merely nominal allegiance, and set them at liberty to recover the lost ground, to vindicate the whole claim of the see of Peter, and to avail themselves once more of all those opportunities which the chronic disorders of the Oriental churches never failed to present. Pope Gregory the Great (A.D. 590-604) strengthened his hands against the proud pretensions of the Greek patriarch John the Faster by exalting the churches of Antioch and Alexandria to the level of the Petrine chair; and strove to restore his influence in the East less by offensive contradiction than by reviving the broad principle of catholic unity in the minds of his correspondents. The plan was not unsuccessful. Acknowledgments of grave importance to the claims of the Petrine see flowed in upon him from the gratified hierarchs; the modest disclaimers of the pontiff tended visibly to confirm and strengthen the impressions thus created; and a prospect was opened of a more steady alliance against the rival pretensions of Constantinople, which the humble Gregory was no less solicitous to overthrow than the most haughty and impracticable of his predecessors.

24. Decline of Roman influence under Honorius I.; recovery under Martin I. A.D. 625.

24. Yet the ground thus cautiously re-occupied by Gregory I., was again endangered by the heedlessness of Honorius I. (A.D. 625). Betrayed by the sophistry of Sergius of Constantinople into a hasty approval of a dogmatic

theory adverse alike to common sense and the accepted doctrine of the church, he exposed himself to trouble and his see to disgrace. His successors, John IV., Theodore, and Martin, were doomed to a fruitless struggle to rescue his memory from reproach, and to redeem the credit of the holy see from the stain of heresy. The imbecile Heraclius passed from the scene, and his successor fell by the hand of an assassin. Rome stedfastly rejected the Ecthesis of the former touching the One Will, and with equal pertinacity refused assent to every scheme of accommodation or compromise proposed. Thus Pope Martin boldly repudiated the so-called Type, or formula, published by the Emperor Constans II., with a view to smother a controversy very inconvenient to his government. With equal arrogance and contempt of personal danger, Martin I. demanded the immediate registration of his censures among the laws of the temporal state, and commanded the clergy of Antioch and Jerusalem to cut themselves off from all intercourse with the advocates of the accursed documents. The struggle between that pontiff and Constans II. turned nakedly upon the question which of the two powers should give laws to the church. The former fell a martyr to his constancy and courage; but from the date of his decease the decline of the monothelite dogma in the East may be dated, and with it a relaxation of that meddlesome and domineering spirit indulged in by Justinian and his immediate successors. The pontiffs, from the reign of Eugenius I. (A.D. 654), continued to gain ground, and the less ambitious Constantine Pogonatus (A.D. 679) offered terms of accommodation.

A.D. 640-654.

25. But the dogmatic victory of Rome was this time dearly bought. A sixth general council was, it is true, with her consent, assembled. The legates of Pope Agatho were allowed to propose his ultimatum; but neither were the proceedings of the council conducted in conformity with papal precept, nor could the holy see be rescued from the indelible disgrace brought upon it by Honorius I. The name of a pontiff of the chair of Peter was

25. Prejudicial results of the sixth general council and Quinisext; how neutralised in the West. A.D. 680.

irrevocably inscribed on the list of heresiarchs. The sentence was accepted simply and purely by Leo II.; and religious peace was purchased by a sacrifice subversive of that vaunted immunity from error upon which the church of Rome herself professed to found her title to the office of universal censor and judge. By this act of proscription the legislative power seemed to flow back in its entirety into the hands of the church-catholic: a Roman pontiff had shared the fate of an Acacius, a Fravitta, a Euphemius, of a Mongus, a Gnapheus, and the hundred other names to which Rome herself had affixed the brand of infamy. Where was now that unerring instinct of right and wrong in religion, that perpetual illumination, that official impeccability, which could alone qualify her for the transcendental function of irresponsible and universal lawgiver and judge?—This question might indeed have been asked; but in that age there was no one competent or inclined to put or to answer it. The Western churches, as far as they had been consulted on the measures to be insisted upon in this sixth general council, had repudiated the responsibility of advice upon the ground of their own incapacity and ignorance; and by parity of reasoning they were, if they knew them, little likely to raise any further question as to the effect of the denunciations of 680 on the ecclesiastical position of the see of Rome. In the East there was perhaps no inclination to push the inference against the papacy to any greater length. Constantine IV. had obtained peace almost upon his own terms, and without the sacrifice of any object of importance either to himself or his church; he had presided, directed, and moderated in matters of religion as well as in those of form and order; he had taken no account of the endeavours of the pope to limit the powers of the synod, and had virtually repelled his pretensions to bind down the Christian world to his arbitrary definitions.[a] No doubt, in fact, appears to have crossed the minds of the prelates of this, any more than those of the council of the "three chapters,"[b] of their own unsupported competency to make

[a] See Book V. c. i. pp. 435-442, and c. ii. p. 445.
[b] Book III. c. v. p. 158.

laws for the universal church. The restless self-sufficient spirit of the Greek ecclesiastics took wing; and in the elation of recovered dignity, affected without due authority to supply the deficiencies of the two last œcumenical councils. The decrees of the Quinisext were hard indeed of digestion to Rome; yet, notwithstanding the total absence of all claim to the regard of any Christian church—except perhaps those actually represented—there was not found a man upon the chair of Peter consistently to scrutinise and repudiate the imposture. Rome sat down under a flagrant contradiction to all her former pretensions; she was silent under insults which at any previous period of her career would have called forth the loudest thunders of the Lateran.[c]

A.D. 692.

26. But this temporary torpor, this spiritless insensibility to defeat and disgrace, is imputable fully as much to the unfortunate position of the holy see under the tyranny of Constantinople as to the indifference or incapacity of the reigning pontiffs. Since the Lombard conquest, the pressure of that tyranny had not been so constant as to deprive the papacy of all opportunity to assert her cherished prerogative. Brighter days were dawning upon Rome. She was gradually breaking away from her dependence on Byzantium; and by the time she was called upon to encounter the storm of iconoclasm, she found herself safely lodged under the wing of a protector destitute of that experience, and exempt from that suspicion and caution, which might have enabled him to balance the advantages against the cost of the obligations he had contracted. During the earlier years of the great controversy of image-worship the emancipation was incomplete; yet their political position now enabled the pontiffs to defy the feeble police of the titular sovereign; nor did they neglect the opportunity afforded them by the edicts of Leo the Isaurian against images to hurl defiance at the recreant Greek, and to republish in the most offensive terms the boundless claim of the papacy upon the whole Christian world. Pope

26. Emancipation of Rome; revival of prerogative under Gregory III. A.D. 726-787.

A.D. 726, 730.

[c] Book V. c. ii. pp. 455-462.

Gregory III. imperatively repudiated the jurisdiction of the emperor in any form to legislate for the church; he denounced the blasphemous impiety which prompted him to claim even a scintilla of right to regulate religious dogma or practice; "for," said he, "the pontiff of Rome *is the only arbiter and judge* of the Christian commonwealth both in the East and in the West:" and in the name of St. Peter, "whom every region of the world *worshiped as a god upon earth*," he threatened the emperor with the amplest retaliation of every evil his unutterable iniquities had brought upon his Christian subjects.[d]

27. Movement against iconolatry in the West; peril of prerogative. A.D. 741.

27. But at the epoch of the death of Gregory III., and for many subsequent years, the attention of the papacy, as already observed, was engrossed by the pursuit of territorial aggrandisement. Whatever, therefore, the disposition to assume the loftiest spiritual position, the juncture was unfavourable, as against the sovereigns and churches of the West. While Boniface of Maintz and the romanising missions of his school were silently doing the work of Rome in the North, the pontiffs were busily engaged in obliterating the last vestiges of political dependence upon their Eastern suzerain. The general council of the Oriental churches (754) in reprobation of image-worship seemed to close the door to reconciliation with Rome. But in the actual state of the empire, no one knew what the next moment might bring forth. The sudden changes of government brought with them changes as sudden of religious convictions. Within thirty-three years from this unanimous rejection of images, an equally numerous council was found no less eager to restore them to divine honours. But the profit of the victory was lost to Rome. Though attended by papal legates, the entire direction of the council remained in the hands of the empress. The Western churches were in no manner represented, nor does it appear that they had any notice of the intended proceedings. The second council of Nicæa, which the Latins have dignified with the title of the seventh general synod of Christen-

A.D. 754.

A.D. 787.

[d] Book V. c. iii. p. 478.

dom, became an immediate source of weakness rather than of strength to the papacy. There had never been more sensible blows dealt to the pretensions of Rome than the publication of the *Caroline books*, and the decision of the *great council of Frankfort* in reprobation of the papal doctrine of image-worship. The alarm among the Western churches was almost universal; and great would have been the fall, if the intemperance of the iconoclast party had not in a degree diverted the public indignation, and afforded some palliation of the reactionary extravagance of their opponents. The sordid excuse of Pope Hadrian I.[e] was suffered to pass; but the attachment of the Western churches had undergone too severe a shock to admit of any further experiments upon their docility; iconoclasm was again in the ascendant in the East,[f] and the pontiffs of Rome were unable to profit by the adulatory professions of their friends in that quarter. Though assured by the latter that the temporal prince is absolutely incompetent to stir a step in advance of the ecclesiastical powers, and that without the initiative act of the pope no church-legislation could be of any force or validity, the pontiff could not overlook the fact that any premature attempt to make good such pretensions in the West would be attended with serious danger to his influence. A glance at the report of the commissioners of the Emperor Louis the Pious upon the question of image-worship sufficed to convince him that the time had not arrived for asserting an absolute, or even a qualified or simply initiative, right of church-legislation on behalf of the chair of Peter;—for he must have foreseen that any such demand would be met by an equally unqualified assertion of right to search both the Scriptures and the canonical registers of the church—to appeal, in short, to that universal code in which all Christians still continued to recognise the rule of law by which all, including the pontiff of Rome himself, were to be judged.

A.D. 794.

A.D. 803-842.

A.D. 826.

[e] Book V. c. iv. p. 498.

[f] During the reign of Nicephorus, from A.D. 803 to 811; and again under Leo V. (the Arminian), Michael II. (the Stammerer), and Theophilus (A.D. 813-842).

In this retrospective chapter we have endeavoured to lay as succinctly as possible before the reader the progress of the papal prerogative down to a period of time when a new element of power was introduced. The empire of Charlemagne, to its dissolution by the partition treaty of 843, must now occupy our attention, in order to enable us to form a proper estimate of the circumstances under which the new code of law was promulgated, and to take a fair view of the prospective advantages it held out to the further development of the papal scheme.

CHAPTER II.

CONQUESTS OF CHARLEMAGNE, AND EXTENSION OF PAPAL AND SACERDOTAL INFLUENCE.

Subjects of this chapter—State of the Saxon tribes—Hostility of the Saxons to the Franks and to Christianity—Cause and origin of warfare between the Franks and Saxons—Result of the contest—Church-establishment in Saxony—Religious discipline in Saxony—Character and merits of the new establishment—Willihad of Bremen—Political condition of the subjugated tribes—Scheme of Charlemagne for a pragmatic union of church and state—*Feudalism.* Allodial and beneficiary tenure—Elements of feudalism. 1. *Leudes*—Ecclesiastical property; acquisition of beneficiary estate—Admission of the clergy into political and administrative offices—2. The *Antrustions*—3. *Freemen*, their privileges and rights—4 and 5. *Serfs* and *Freedmen*—Qualified freedom—The pure serf—Mitigations of servitude—Servile tenures—*Freedmen;* manumission—Reciprocal action of the church and the lay conditions upon each other—The church-constitution, and its capabilities—Advantages gained by state patronage—The sympathies of the masses go with the church—Charlemagne's scheme of union of church and state—Elemental discordance between the constitution of the church and that of the state—Paramount tendency of the spiritual authority in the age of Charlemagne—Obstacles to the free development of this tendency—The remedy—Actual dependence of the clergy upon the state.

Subject of the chapter.

THE course of the narrative in the fifth Book of this history necessarily carried us forward to the close of the great controversy of images; a period closely verging upon the era of the dissolution of the scheme of government introduced by Charlemagne. We have now to retrace our steps, with a view to examine that scheme with special reference to the progress of the papal and sacerdotal powers in the vast region he had gradually brought within the limits of his empire and of the ecclesiastical system of which he was the patron, and in some sense the founder. The conquests of Charlemagne are in a peculiar manner connected with the proper subject of this history. It will, we believe, appear that the

advances of Latin Christianity were scarcely less indebted to the arms and policy of that great prince than the progress of the Mohammedan faith to those of the Arab prophet and his successors. Again, it will be necessary to advert with some particularity to the social conditions from which these great successes resulted. We have in a former volume[a] incidentally alluded to the introduction of the Gallic clergy into the councils of the state, and the large participation assigned to the bishops in the administration of the civil government. It will now be desirable to point more particularly to the circumstances out of which this advancement arose, as well as to account for the precise form that participation assumed under the patronage of Charlemagne. But for this purpose we must enter into such particular descriptions of the state of civil society as shall be necessary to acquaint us with the materials with which the church had to deal, and upon which the edifice of her power was in a great degree built up.

State of the Saxon tribes.

For more than thirty years of his active and brilliant career Charlemagne was engaged in subduing the wild Saxon hordes inhabiting the tract of country between the rivers Elbe and Weser, and at the same time extending his dominion over some of the eastern and southern regions of Germany, which had hitherto lain beyond the pale of Christianity. The Saxon tribes were devoted to the old Teutonic superstitions; they acknowledged no central government, nor any federal chief with whom a compact binding upon all could be negotiated. They lived in *pagi*, or cantonal communities (*gaus*), self-governed, obedient only to their patriarchal chiefs, or to the call of some renowned leader summoning the wild warriors to glory or to plunder.[b] The tract of country inhabited by these tribes comprehended the whole of the modern circle of Westphalia, and the greater portion of that of Lower Saxony, extending from the Lippe to the Weser and the Elbe; bordering to the northward

[a] See Book IV. c. ii. p. 284 et sqq.

[b] A condition closely resembling that of the whole Germanic people, as described by Tacitus seven centuries earlier.

upon the kindred Jutes, Angles, and Danes; and to the eastward upon tribes of Sclavic origin, who had gradually advanced upon the more ancient Teutonic races of eastern Germany. All these septs were immersed in the darkest heathenism; their ordinary occupations were piratical and predatory, and desperately hostile to every influence tending to wean them from their ancient superstition and immitigable lust of plunder.

Hostility of the Saxons to the Franks and to Christianity.

The Saxons had succeeded to the possession of the region evacuated, some four or five centuries earlier, by the Salian and Ripuarian Franks; and it is probable that the inveterate hostility existing between the two races dates from that period. The conquests of the Merovingian princes, and subsequently those of the mayors of the palace, had pushed forward the limits of Christianity to the borders of Saxony; and churches and monasteries had multiplied in the closest vicinity to the abodes of these bitter enemies of the faith. The increased population these establishments collected around them, and the wealth and prosperity they dispensed, while they threatened the national independence, excited the cupidity of the wild hordes of the Weser and the Elbe. The rising foundations teemed, at the same time, with zealous missionaries, whose appetite for conversions was regulated by no considerations of prudence, or even of humanity. Confident in the merits of their cause, or in the protection of their powerful patrons, they spread themselves over the adjoining Saxon cantons, denouncing the idolatries, vilifying the deities, and demolishing the altars of the people. Though the religion of the Saxon might sit loosely enough upon the national conscience; yet the insolent language, and still more the offensive demeanour of the missionary monks, was threatening to their love of liberty, and led them to identify baptism with slavery, and Christianity with subjugation under a foreign yoke. Though indifferent rather than hostile to the faith of Christ, they hated its ministers as the agents of the national enemy.

In this disposition the Saxons expressed their resent-

ment, and gratified their love of adventure and plunder, by frequent inroads upon the bordering Frankish cantons. In the course of these incursions convents were burnt and demolished, and the monks slain, or carried away into distant slavery. The Franks on their part could discern no road to peace and safety for their thriving settlements but in the speedy conversion or extirpation of their pagan neighbours. To this they were prompted as much by their desire to protect the ministers of their religion, as by their anxiety to deprive the already converted tribes of an example which served to keep alive the still-glowing embers of pagan superstition among them, and at the same time to impair the credit and influence of the clergy among the as yet unconverted heathen in the remoter parts of their wide dominion. The Franks, indeed, did not affect to draw any material distinction between conversion and subjection, and therefore took no pains to convince the Saxon that baptism meant any thing more or less than a simultaneous renunciation of his religion and his liberty.[c]

Cause and origin of warfare between the Franks and Saxons.

Thus it happened, that from the very commencement of the war both parties were prepared to inflict and suffer the worst. The circumstances, in fact, seemed to offer no alternative. The Germanic Franks could entertain little hope of tranquillity as long as the districts every where adjoining to and embracing their rising settlements, were held by hordes of lawless warriors. They could offer no terms, nor enter into any treaty, of which baptism should not be the principal condition; and the Saxons could accept none to which such a stipulation should be appended, without the certain loss of their national independence. With such feelings on both sides the war was begun and carried on; the moral and physical powers of the belligerents were taxed to the utmost; and so nearly were they balanced as at times to shake the military reputation of Charlemagne himself, and to endanger all his acquisitions on the right bank of the Rhine. After a struggle of incalculable bloodshed,

Result of the contest.

[c] See the preamble to Charlemagne's precept "De institutione Episcopatûs in Saxonia," ap. *Baluz.* Cap. Reg. Franc. tom. i. p. 246.

and almost unexampled obstinacy and duration, the numbers, the discipline, and the valour of the Frankish heriban, supported by the unwearied perseverance of the missionary clergy, prevailed at length over the loose religion, and the undisciplined and desultory efforts of the Saxon patriots. The remnant of thirty campaigns of undistinguishing slaughter and wholesale expatriation accepted baptism, and became permanently incorporated with the empire of the Franks and Christianity. Abbeys, monasteries, and religious foundations sprang up in every part of the conquered territory, and the new churches were supplied with ministers from the school of Boniface of Maintz,—a school which admitted no distinction between the law of Christ and the law of Rome.[d]

Church-establishment in Saxony—Tithes.

As one district after another of the Saxon territory yielded to the conquering arms of Charlemagne new bishoprics and religious houses sprang up in all quarters. These posts of danger were occupied and garrisoned by the missionary clergy with the zeal of martyrs and the intolerance of inquisitors. In the year 785 the preacher Willihad was consecrated bishop of the region lying between the Elbe and the Weser. Some years afterwards his see was permanently fixed at Bremen;[e] and thus before the close of the war in the year 803, eight new bishoprics had arisen in the land of the Saxons. "The people," says the biographer Einhard, "every where accepted the conditions of peace prescribed by the emperor; they abandoned the worship of devils, forsook the customs of their ancestors, received the holy sacraments, and took upon them the faith of Christ; and thus they became united with the Franks as one people." The conquest was accompanied or followed by the introduction of tithes; a measure which,

[d] Conf. Book IV. c. v. pp. 360 to the end. The authorities for the Saxon wars of Charlemagne are chiefly *Einhardi* Annal. and the *Annal. Laurissacences* ap. *Pertz* Monum. Germ. tom. i. pp. 134-218. *Einhardi* Vit. Car. Mag. *Ibid.* tom. ii. p. 446 et sqq. *Hucbaldi* Mon. Vita S. Lebuini (a fanatical Saxon missionary). *Ibid.* tom. ii. pp. 362, 363. *Poeta Saxo* de Gest. Car. Mag. *Ibid.* tom. i. pp. 227-279. These works, and a few minor chronicles and occasional notices in the lives of contemporary saints, form the whole of the original materials for the life and actions of Charlemagne.

[e] Chron. Moissiac. ann. 787; *Pertz*, tom. i. p. 298—Vit. S. Willihad. *Ibid.* tom. ii. p. 382.

there is every reason to believe, nothing but the hopelessness of their condition could have induced them to accept.[f]

The new ecclesiastical province of Saxony was divided into ten *gaus*, or cantons, each of which was required to assign for every parochial division[g] within it a farm and curtilage, with two mansi, or villain tenements, and the villains resident thereon, to the church of the division; likewise, for every hundred and twenty inhabitants of all ranks and conditions, one male and one female serf. Tithes were directed to be paid of all lands and tenements alike, whether belonging to the crown, the nobles, the freeman, or the bondsman; the payment to be made either in money or in produce.[h] The honour of the churches, and the safety of their property, were secured by many severe regulations. They were invested with the privilege of giving sanctuary against lawless violence or blood-vengeance, before the criminal could be brought to trial. Breaking into churches, murdering or mutilating the clergy, refusing baptism, conspiring with pagans to the injury of Christians, were punished with death; and the same penalty was denounced against the practice of all the offensive or pernicious rites and superstitions of the heathen.[i]

Religious discipline in Saxony.

[f] "Præcept. de instit. Episcopat. per Saxoniam," ap. *Baluz.* Cap. Reg. Franc. tom. i. p. 246. "Cap. de Partib. Sax." *Ibid.* p. 251. The reluctance of the Saxons, and the dangers that might be apprehended from the exaction of tithes, may be seen from the letter of the honest minister of Charlemagne, the Anglo-Saxon Alcuin, to Archbishop Arno of Salzburg, warning that prelate not to insist upon too rigid an exaction of tithes from the Avaric converts of his province, and reminding him of the mischiefs it had already produced *among the Saxons*, and how hard of digestion it had proved even among the godfearing Franks themselves. See *Einh.* Vit. Car. Mag. c. vii.; *Pertz*, tom. ii. p. 446. *Schmidt*, Gesch. der Deutsch. vol. i. p. 458, from *Pezii* Thesaur. II. pars i. p. 4. See also the advice of Alcuin to Charlemagne himself on the subject of tithes, ap. *D. Bouquet*, tom. v. p. 612.

[g] "Minus capitulum"—quasi, rural or lesser chapter, synonymous with "parish." All ecclesiastical divisions, great and small, in that age, appear to have borne the name of "capitula," or chapters. *Ducange*, Gloss. vol. ii. p. 270.

[h] Cap. de Part. Sax. ubi sup. §§ 15, 16, 17.

[i] Capit. de Part. Sax. §§ 1, 2, 3, 5, 8, 10. The 6th, 7th, 11th, and 23d chapters are curious. By the 6th it is enacted that "if any one by diabolical instigation shall believe, according to the superstition of the heathen, that any man or woman is a witch and feeds upon human flesh; and shall, in this belief, burn him or her with fire; or give his or her flesh to be eaten by others, or shall himself eat it,—let him suffer the punishment of death." So of the burning of dead bodies "secundum morem paganorum"—the burning men as sa-

Character and merits of the new establishment.

The perusal of the laws enacted by Charlemagne for the government of this new dependency of his empire may suffice to convince us that the conquest of Saxony was, upon the whole, a gain to the cause of humanity and civilisation. Undoubtedly the Saxons were in a great degree reclaimed from a state of association inconsistent with the progress of any kind of improvement, and irreconcilable with the peace and prosperity of their more civilised neighbours; they were withdrawn from the practice of many pernicious superstitions, and were reduced from an erratic and ungovernable clanship to a condition susceptible of a more regular movement and more perfect unity of direction; and all this with no greater sacrifice of individual liberty than was cheerfully submitted to by their conquerors themselves. Considerable, however, as these gains were to the general welfare, they had been accomplished by unsparing slaughter, injustice, and oppression. By far the greatest share in the achievement must be assigned to the Christian priests who followed in the train of the armies of Charlemagne. That monarch looked to little beside the political expediency of the case; the clergy had in view the extirpation of paganism, and the utmost expansion of their own religious predominance. The injustice, the treachery, the bloodshed, were little considered by either party, when weighed against the acquisition of territory, the reëstablishment of political tranquillity, the supposed glory of God, and the good of his church. From the beginning to the end of this nefarious enterprise there was an implied covenant between Charlemagne and the clergy to share the proceeds of their combined exertions in dominion and wealth. The great seminary of Maintz, from which the supply of spiritual warriors flowed, had inherited from its progenitors, Boniface and Sturmius, the fullness of the missionary spirit of their school; and they now formed a body in which resided all the zeal of its founders, with a promptitude to slay and be slain in the cause of God and

crifices to demons (§ 11). All diviners are to be given over as slaves to the church and clergy (§ 23).

his church, inspired by the edifying example of their military comrades. Willihad, the first bishop of Bremen, sprang from the same school. His eye was never for a moment averted from Rome; Pope Hadrian was his only master and instructor; the holy city was his spiritual home; his preaching and his practice squared in the minutest particulars with the form and model of Roman religion; and while the worldlings of the Frankish hierarchy were wallowing in the mire of secular pursuits and ambition, Willihad was content to work silently for God and the pope, without scrutinising his own motives, or questioning those of his spiritual and temporal superiors.[j] Willihad of Bremen.

A period of nine years elapsed between the final subjugation of the Saxons and the death of Charlemagne. During that interval he found leisure, by the employment of similar means, to complete the conquest of the modern circle of Austria and the adjoining portions of the kingdom of Hungary, at that time occupied by a mixed population of the Avaric, or Hunnic, and Sclavic races.[k] The Bohemian Sclavi managed indeed to baffle his arms; but the tribes of the same race inhabiting the banks of the Upper Elbe and the Saale were reduced to submission; and the death of the formidable Danish chief Godfried enabled him to extend the frontier of his Saxon province to the banks of the Eyder. The Frisian septs of the mouths of the Ems and Weser and the north of Holland meanwhile shared the fate of their Saxon neighbours, and all were incorporated with the empire of Charlemagne upon the same liberal terms of subjection. All, without exception, were admitted to the liberties and franchises enjoyed by the Franks themselves; the personal freedom of every one who had ever been entitled to that privilege was secured to him, with a safer warranty for life and property, and an administration of justice differing not so much in form Political condition of the subjugated tribes.

[j] Vit. S. Willihad. ap. *Pertz*, tom. ii. pp. 380-383.

[k] The Avaric, or Hunnic, and the Sclavic wars of Charlemagne are described by *Einhard*, Vit. Car. Mag. cc. xii., xiii.; ap. *Pertz*, tom. ii. p. 449. See also *Ann. Laurissiac.* ibid. ann. 772 to ann. 785, pp. 150-167.

or character as in its greater certainty and regularity, from that he had inherited from his rude ancestry.

In this fashion the wild Saxon was indemnified for the loss of his lawless independence. He had been compelled to renounce the familiar handicrafts of piracy and depredation. He had adopted a religion which taught him to regard as fiends and demons those deities whom he had ignorantly worshiped; which commanded him to banish the memory of his deified ancestors from his heart and affections; which forbade him to deposit his own bones in the same earth which covered the remains of his unregenerate progenitors: a religion, however, which, in exchange for these objects of devotion, afforded him an abundant supply of religious stimulants; which abounded with interesting ceremonial; feeding his faith with miracles which cast into the shade the wonders attributed to his own deified heroes; thus occupying every avenue to the national imagination, and qualifying him to be received into that community of nations of which both physically and geographically he was a necessary constituent.[1]

Scheme of Charlemagne for a pragmatic union of church and state.

The prominent part taken by the clergy in the subjugation of the Saxon tribes served to cement that alliance between church and state which formed the basis of the scheme of government sketched out by Charlemagne. The relation thus introduced in some respects resembled that created by the Concordat of Valentinian III. with Leo the Great.[m] The difference consisted not so much in the quantum of authority committed to the clergy and their chief, as in the active share reserved to himself by the vigorous and self-reliant monarch who held the reins and directed the movements of the combined powers. Under the last of the Cæsars the church stood in a position of seclusion from official participation in the duties and burdens of secular government. Her strength lay in the

[1] With respect to the civil state of the Germanic tribes prior to the Frankish conquest, see my Hist. of the Germans, pp. 729 et sqq. Quære, Is a community of civilisation possible without a community of religious belief?

[m] See Book II. c. iv. pp. 354, 355.

helplessness of the civil power. The results of the barbaric conquests, and of the stronger ground the clergy were thereby enabled to assume, had operated an entire change in their outward condition. The effect of the revolution had been to introduce them by slow degrees into the political body, and to transfer to them an important share in the management of the civil government.[n] Under the impression that a strong church might be converted into the basis of a strong polity, and that in his hands both might be moulded into an enduring political government, Charlemagne had very cordially accepted that participation which he found established. We have now to account for the form which this combination assumed under his patronage, and for that purpose to lay before the reader some account of the materials with which he had to deal; to describe, as it were, the soil through which the church had to work her way; the advantages she enjoyed; the diversions and obstacles she encountered; the divergences of the state-combinations in which she was involved, and the final direction thereby imparted to the hierarchic scheme of the Latin church within the period now under review. To this end we must take into account certain general states of civil society which seem essential to a competent acquaintance with the elements of the projected union, and which may help us to form a correct judgment of their fitness to answer the purpose of the projector. It will not be thought to detract from the glory of Charlemagne that he failed to solve a problem which may be said to have baffled the experience and sagacity of a riper age and a more profound political philosophy. The union of church and state into one harmonious self-acting scheme for the temporal and spiritual benefit of mankind is reserved for an age of far higher moral and religious attainments than any the world has hitherto witnessed. Great minds, however, impart their own impress to the times they live in; and the adjustment of the means adopted by a strong will and a sound intelligence, for a good purpose, will

[n] See Book IV. c. ii. p. 284.

resist many a tempest before it finally yields to the adverse tide of human passions and interests.

Feudalism—Allodial and beneficiary tenures.

The first and the most important of the general states of society to which we have to advert is that of *Feudalism*. It should be borne in mind that the original partitioners or allottees of the lands divided among themselves by the barbaric conquerors of the empire, held them upon terms differing materially from those attaching to landed property in the next following ages. This tenure was generally known by the name of *Allodium*, implying a possession unencumbered with conditions. The possessor regarded the land as emphatically *his own;* yielding neither service, nor render, nor duty to a superior. Within its limits he enjoyed the "dominium supremum;" he was accountable to no man for the use he made of it; for the revenues, profits, and the treatment of the serfs incumbent on it; he was as free from all external interference in the use of it as men are in the use of the money in their pockets. But in the age of Charlemagne this class of proprietors was fast disappearing. A mode of possession derived from that state of lawless liberty whence the barbaric conquerors had just emerged, was inconsistent with any kind of political coherency; it was irreconcilable with the duties and mutualities which their new condition imposed upon them. The possession and property of the land were falling fast into the hands of the personal followers and officials of the sovereign. In the original allotment of the conquered territory the royal domain[o] had absorbed the largest share of the appropriated land. But this share, great as it was, was soon parcelled out by the princes in payment for services rendered. In the earlier stages of the process these grants existed only for a term of years or for life; sometimes only so long as the stipulated services were rendered. Still, in this earlier stage of feudalism, as long as they remained in the hands of the *beneficiary*, they differed from the

[o] Generally known by the name of the "Fiscus."

allodium in nothing but in the services reserved. With that reserve every other attribute of the "dominium supremum" passed to the grantee; no other power or right remaining to the grantor but that of reëntering upon and taking back the consideration, if the stipulated services were neglected or withheld.

The elements of feudal society in this its earlier stage consisted of four descriptions of persons: 1. Leudes; 2. Antrustions; 3. Freemen; and 4. Serfs, or predial slaves. Elements of feudalism.

1. The *Leudes* were originally the personal followers and friends of the chief or king, maintained and paid out of his land—in those times almost the only current wages for services of all kinds. By degrees the principal partitioners of the conquered regions melted into this great body; they nearly all became—as all were anxious to become—beneficiaries of the prince; the larger proprietors—Nobiles, Proceres, Seniores, Optimates—in expectation of the enlargement of their domains by royal munificence or court-favour; the smaller, for the sake of that security which, in an age of lawless violence, rapacity, and oppression, could only be obtained by powerful connection and territorial aggrandisement. Under such circumstances, as might be expected, the distinction between the allodium, or absolute tenure, and the new conditional estate, was gradually lost sight of; and almost all property in land came to be held upon the terms of military service, attendance on the king's court, his councils and person, and general fidelity to his government. And in pursuance of this system, the king regarded their domain as the proper fund for the expenses of the state; as it was, in fact, the only source of revenue to themselves, and the only means of attaching the rich, the noble, and the free, to their persons and service. Leudes.

The lands originally attached to the churches, however, for the most part retained their primitive character. They were still a sovereign property, liable to no render or condition, except that of religious service for the spiritual welfare Ecclesiastical property—Acquisition of beneficiary estate.

of prince and people. An obligation, indeed, of general fidelity to the sovereign may be predicated; yet even for the crime of treason the forfeiture was personal only; the church, as a body, could not forfeit; nor do we know of a time when the confiscation or forcible alienation of proper church-lands—however frequent in fact—was not regarded as an outrage and a crime. But never for a moment in the history of feudalism did the church rest contented with the stationary condition of allodial proprietorship. Nor, in the actual state of society, could she have maintained her position for half a century after the first fervour of recent conversion had expended itself, if she had not stretched out her hand to seize the only valid security for what she already possessed—the acquisition of more. But such increase of territorial influence was now to be obtained only in the shape of beneficiary tenures; hence bishops and abbots were no less eager than laymen, nobles, and warriors, for the possession of lay estate. With these estates they, in due legal consequence, took upon themselves the duties attached to them; and it was now a common sight to behold prelates and abbots in armour, discharging, at the head of their tenantry, all the ordinary obligations of military service.

Admission of the clergy into political and administrative offices.

Though this *personal* performance of service in the field was from the first regarded as unbecoming, if not unlawful, yet among the many reproaches cast upon the clergy for these derelictions of their proper duties we read of in the church-history of the period, we never find them blamed for accepting lay estate. The censure is always confined to the performance of the duty attached to such acquisitions after they had fallen into the hands of the church. At the very earliest period we observe an inclination in many quarters to throw off the obligations incident to the new tenures; as, in process of time, neither artifice nor subterfuge was spared to discharge them from the conditions of the original grant; though only so far as the performance imposed any burdensome duty, or was unattended with any increase of power or influence.

But during the entire reign of Charlemagne, and those of his sons, the hierarchy retained its position among the Leudes, or personal attendants and counsellors of the monarch, in a character in most respects identical with that of the lay nobility. As in Spain before the Moorish conquest,[p] so in France from the accession of Clovis, the bishops and superior clergy formed a principal, perhaps a predominant, class in the constituency of the great councils of the state. In the latter kingdom no national assembly was held in which all the great sees and principal monastic establishments were not represented by their bishops and abbots. In Germany proper the archbishops of Maintz, Cologne, Treves, Bremen, and Salzburg, the abbots of Fulda, Lorch, and others, are more frequently mentioned as actors in the national councils than counts, dukes, royal commissioners,[q] or other lay officers of the crown. This circumstance, however, is explained by the fact that all these offices of government were frequently conferred upon members of the superior clergy. And, indeed, so extensive was their political activity, so wide their influence, and so eager their anxiety for place and office, that we feel some surprise how the church should have escaped absorption into the vortex of secular pursuits, and retained that corporate character, that distinguishing vitality, which enabled her to control the all-engrossing selfishness of her own members, and even to turn it to advantage against the state.

2. The next class to which our attention is called is that of the *Antrustions*. This description of persons has been alluded to in a preceding chapter.[r] The Antrustions were, in fact, but a subdivision of the order of the Leudes; selected from among the more powerful and wealthy nobles and beneficiaries, all of them grantees of lands burdened with the performance of special duties and offices; as, for instance, the administration

2. The *Antrustions.*

[p] See Book IV. c. ii. p. 274.

[q] The *Count* (Graf) was the civil officer, judge, collector of the Gau, or canton; the *Duke* (Herzog), the military president or general of the heriban, or national levy, within a given district; the *Commissioner* (Missus dominicus) was the special delegate of the crown for the general supervision of the administration, civil and military, in different departments and subdivisions of the kingdom, its foreign appurtenances and dependencies.

[r] Book IV. c. ii. p. 285.

of justice, the maintenance of the public peace, the command of the heriban, or national levy in the provinces, the execution of the mandates of the court in distant parts of the realm, the supervision of public works, the expenses of foreign embassies, and the general maintenance of law and order. For these duties the noblest and most powerful among the Leudes, but more especially the great prelates and abbots, were frequently selected. But in the appointment of Antrustions no universal rule seems to have been observed. The office appears to have been regarded as an avenue for talent or daring adventure to the highest fortune; a road open to all freemen, but one to which no class enjoyed so easy an access as the clergy of all ranks. Every Antrustion brought into the service not only his personal powers and capacity, but those of all his followers and dependents. All Antrustions, Leudes, and proprietors of every class, entertained as many armed attendants as their means enabled them to pay; a circumstance which calls our attention to the third and fourth classes, constituting the great mass of Germanic society, viz. the *Freemen* and the *servile* or *semiservile* divisions.

3. Freemen, their privileges and rights.

3. The class of *Freemen* (liberi homines) comprehended the whole population, to the exclusion of serfs and bondsmen. We regard them in this place, however, as distinguished from Leudes and officials. In this class dwelt the strength and sinews of the nation; in them was represented the fundamental idea of Teutonic liberty,—the absolute exemption, namely, from all personal control, from all duties and obligations, but such as the freeman might spontaneously take upon himself. The man born of a free father and mother could be bound to no service, fixed to no domicile; he acknowledged neither lord nor master, nor civil obligation, but such as he might adopt of his own free choice. His family and his property partook of and followed his personal condition. He claimed an inalienable right to carry arms. The genuine freeman was born to arms, and bore them from the moment he became capable of using them, not only in the heriban,

or levy, but at the mallum, or local court, the public meetings of the canton or gau, and those of the great national assembly. This distinction was reserved to the freeman down to the last gasp of feudalism. He possessed the right to avenge his own personal wrongs, either by his own hand or by that of his next of kin, in case either or both should refuse to accept the wehrgeld, or compensation assigned to him or them by the law and custom of his tribe. In some aggravated cases, he was justified by usage in pursuing his enemy to satisfaction without stint or measure; yet if he once elected to accept the legal indemnity, the *faida*, or death-feud, abated, and could not be revived except by some fresh injury. A like privilege was assumed by kings and nobles, both professing to be guided in their private quarrels by the same rules as the ordinary freemen. Thus every such feud, whether between princes or private persons, was carried on and terminated upon the same principle as if the war had been waged between national belligerents. The life and limb of every freeman was protected by an ample wehrgeld (money-composition or fine for personal injuries), which he or his next friend might claim from the wrong-doer; or, if vindictively disposed, might reject, for the more palatable alternative of the death-feud. By the essential privilege of his class, he was exclusively entitled to hold landed property. No serf or freedman could possess freehold or feof, allodium or benefice; but the proper freeman was debarred from no amount of acquisition. In his primitive condition, the incidents of his class-privilege appear as simple rights, without corresponding obligations. It was his *right* to attend the heriban, or levy of the chief; he was an ex-officio member of the armed assemblies of his people; an integral constituent of all cantonal meetings for judicial or local purposes. He appeared, as of his own right, at the great assemblies of the nation, and signified his approbation or dissent by equal vote or joint acclamation. In the progress of feudalism, however, as already observed, the freeman frequently took upon himself definite obligations. As soon as he accepted a benefice from king or

chief,—as soon as the weaker classes of freeholders had merged in the general body of beneficiaries, whether under the sovereign or some great proprietor,—he was supposed to have exercised his right of election once for all: he had bound himself to a superior; he had chosen a service; he had attached himself to a particular locality for all the time, and as long as, he or his heirs retained the original consideration of the duties contracted for.

4, 5. *Serfs* and *Freedmen.*

4, 5. The *fourth* and *fifth* in the list of social conditions in the Frankish dominions are those of *Serfs* and *Freedmen.* The first consisted of persons who were absolutely dependent upon the will, and bound to the service, of a master; the second, of those who enjoyed a qualified freedom, but still remained destitute of some of the material privileges of the free-born man. The state of the serf or bondsman may be traced in general to war and conquest. Among the ancient Germans, prisoners taken in battle or raid lost all the privileges of freedom; they became the absolute property of the captor. Inasmuch as the life of every captive was forfeited, and might be taken at the pleasure of the victor, it was held that, if spared, no restriction remained upon the right of dealing with the person of the captive at pleasure. It followed, however, very commonly, that in those cases in which the victory was followed by the occupation and appropriation of the conquered countries, a more indulgent mode of treatment was adopted. In fact, it happened that in certain instances the barbaric invaders regarded themselves rather as the successors than the conquerors of the emperors.[s] In most cases the occupation by the intrusive tribes was incomplete; they took to themselves only such a portion of land as they could conveniently manage, leaving to the original proprietor a large part, together with his prior rank of a freeman. It is well known that in the Frankish kingdom many Roman landholders not only retained their possessions, but frequently stepped into the position of Leudes, and even of Antrustions; and to

[s] Thus Odovaker and Theodoric the Great chose to regard themselves as lieutenants of the Emperor Zeno. See Book II. c. vii p. 481 et sqq.

them a special wehrgeld was assigned for their personal protection—a privilege never granted to any but freemen.

But though the Franks did not in general reduce the free inhabitants of Gaul to servitude, they did not alter the condition of those they found in that state. The entire class of Roman *coloni*—predial labourers—and domestic slaves passed with the land into the hands of the Frankish or Gothic partitioner, or remained in those of the non-forfeiting Roman proprietor. But the state of unqualified bondage thus transmitted from the empire did not probably long survive the conquest. Various causes operated to mitigate the condition of absolute servitude, and to introduce a middle class of dependents, who, though deprived of many of the rights of freemen, were still exempt from some of the worst caprices of domestic or predial tyranny. This description of persons become known in different districts by the names of Liti, Lassi, Aldi, and Aldiones. It is conjectured, however, that this subdivision of the servile class consisted for the most part of persons originally of free condition, who had been driven by famine, poverty, depredation, or oppression, to surrender themselves to some powerful lord capable of supporting, defending, and employing them. Sometimes delinquents gave themselves up to bondage in repayment of the wehrgeld advanced by another to save their lives from the pursuit of the injured party. Prodigality and debt were frequent causes of this kind of self-abandonment; but the most common of all was helplessness. In the lawless states of Frankish society, especially during the Merovingian period, life, liberty, and property enjoyed no properly legal protection. Resistance to the cupidity of the strong man only exposed the weaker party to more certain ruin; he therefore made the best bargain he could with the oppressor; but perhaps he more frequently surrendered himself to the nearest ecclesiastical superior, from whom the dependent could always count upon milder treatment, lighter services, and more effectual protection, than any lay lord would be able or disposed to extend to him.

Qualified freedom.

The pure serf.

The pure serf, wherever he was found, was to all intents and purposes the property of his lord. The predial labourers were numbered like the beasts levant and couchant upon his lands. They enjoyed no personal wehrgeld, the composition for slaying or mutilating them being payable to their owner. A money-price was, indeed, set upon their lives and limbs; but in no other sense than as it was affixed to cattle, domestic animals, dogs, hawks, and hounds. The same fine was payable for a stolen as for a murdered serf. The lord might dispose of his bondsman by gift or sale; he might mortgage or exchange him like any other chattel. The serf could not quit the land upon which he was settled; and if he absconded, the lord might follow and reclaim him, like a strayed or stolen head of cattle. In the presence of the lord, he was compelled to stand at a respectful distance, and to bow the knee when bidden to approach his master. He could neither prosecute any suit of his own, nor give evidence in that of another; he could neither acquire property nor transmit rights of inheritance or representation. His labours were generally the mere drudgery of the field or the household; and having no will of his own, his services were only limited by the strength of his sinews and his powers of endurance.

Mitigations of servitude. Servile tenures.

But here again many circumstances stepped in to mitigate the extreme rigour of his condition. A qualified right of property was very soon conceded to those villain families whom the lord had permitted to dwell for a length of time upon the plot of ground allotted to them for their maintenance; and when once tolerably secure in the possession of a domicile and the means of subsistence, it became manifestly detrimental to the interests of the lord himself to deprive the serf of such little property as he might acquire by thrift or industry. There being, in fact, no other mode of maintaining him upon the estate but by the assignment of provision-grounds for his support, the long-resident predial family began in process of time to acquire a certain modified right of possession to the land

itself. Hence our own copyholds, and the great variety of servile tenures which sprang up during the middle ages in every part of Europe.

The circumstances, however, which contributed most materially to the mitigation of servitude are to be traced to the milder influences of Christianity, to the humanising example of the church and churchmen in the treatment of their bondsmen, greatly favouring the growth of customary tenures; to the rise of corporate towns, and the progress of trades and handicrafts; but not least to the exigences of private feuds, which imparted a high value to every powerful frame and every bold heart, whether it beat under the smock of the slave or the chain-mail of the freeman.

The class of *Freedmen* need not detain us long. The demand for free labour generally keeps pace with the wants of the wealthy. Skill in the necessary trades and handicrafts was not to be obtained from a stationary peasantry. But the proud freeman disdained all such sordid occupation, and was compelled to yield that degree of freedom to his abler bondsmen which should enable them to supply his growing wants both of war and peace. The manumission of such persons became a common practice among the wealthier lords; and its first effect was to impart to the recipient the power to change his place of abode at his pleasure. In the language of the age, the manumitted serf might "go in and out, to and fro," as he chose; he acquired the right to bear arms for his personal defence; a personal wehrgeld was assigned to him; and he was at liberty to choose a patron for himself. But these franchises were always attended by a reserve of certain services to his original or his adopted master. He was still regarded as in a state of clientage, and was held incapable of contracting marriage with a free woman. In return, however, for his services, he was entitled to the active protection of his patron on behalf of his person, his family, and his property,—an advantage which many a freeman of that age must have envied and sighed for.

Freedmen. Manumission.

Reciprocal action of the church and the lay condition on each other.

Adverting for a moment to the reciprocal action and reaction of this state of society and the church, our first observation is, that as soon as Charlemagne had discharged the churchmen from the personal performance of the military duties attached to their lay tenures, the spirit of independent action inherent in the hierarchical body began to make vent for itself in another direction. The higher clergy, now in a great degree cut off from the most exciting of all secular pursuits, directed all their efforts to the emancipation of their lands from the remaining burdens weighing upon them. The inferior orders were, meanwhile, no less active in their endeavours to level in their own favour the distinctions which severed the bondsman from the freeman. While bishops and abbots were working for the recovery of that absolute property in the estate of their churches which had hitherto slumbered under the pressure of feudal service, the inferior orders of the clergy, as well as the monastic bodies, received, with little discrimination as to original condition, all manner of persons into their association; thus, in defiance of the rights of the secular lords, imparting to freedmen and serfs all, or even more, than the original rights of freemen. The churches were perhaps the greatest of all kidnappers and man-stealers; they exercised a practical right of harbouring runaway serfs, and protecting them within the church precinct against the pursuit of the lord. In this course of conduct they repudiated all legal responsibility, refused compensation, invented pretexts, advanced arguments for their salutary encroachments upon the inhuman rights of slavery, and their still more inhuman practice. The churchman of free condition maintained his original independence of all control but that of his freely elected superiors with a prouder and sterner determination, in reliance upon the sanctity of his person and calling, and the ever-ready support of his order; while the clerical serf or freedman remembered his former condition as a motive for sustaining his new character with the greater earnestness and energy.

Having thus shortly described the general action of the social organisation of the Carolingian period upon the individual disposition and conduct of the several orders among the clergy, we may now advert to some particulars relating to the *church-constitution* itself, with a view to ascertain how it fared amid these social elements; how it worked its way through the obstacles opposed to its growth; and how, amidst all the disturbances of an age of anarchy and violence, it was enabled to retain and strengthen the self-existent and self-sufficient position inherited from its Latin progenitors.

The church-constitution; its capabilities.

The reforms introduced by Boniface of Maintz, and the elevation of the Carolingian dynasty to the throne of France, had been productive of inestimable advantage to the church-constitution, by drawing closer the corporate bond which connected the several orders of the clergy with each other and the whole body; by fixing their eyes upon the one head and director sitting in the chair of Peter; and by bringing down the title of the sovereign to his throne to at least a filial relation to the great spiritual power so represented.[t] All this had been accomplished, not only without the sacrifice of a single temporal prerogative of the church, but had, at every step of the process, been accompanied by an increase of territorial influence and property; by a strengthening of the interest and participation of the hierarchy in the councils of the state; by its legislative recognition as a constituent estate of the realm, having a separate and independent existence of its own, wholly distinct from that of the lay estates, and furnished with immunities, personal and territorial, not susceptible of those changes to which the vices, the prodigalities, the violences, and all the social irregularities of the age, exposed the condition of the crown and the laity.

Advantages gained by state-patronage.

With all this strength of internal organisation, this unity of action and purpose, the church establishment may besides be said to have engaged the sympathies of

[t] See Book IV. cc. v. and vi. passim.

The sympathies of the masses go with the church.

the numerical majority of the population. The church was the common sanctuary for the bondsman, the poor, and the oppressed. The estate of the church was presented to them, and not without truth, as the "patrimony of the poor." Men of energy and ability might there find an honourable reception; and, whatever their original condition, become entitled to a standing in the world far more flattering than any secular occupation could afford them. When once introduced to such an association, the mind of the individual became absorbed in its interests; and thus the most boundless personal ambition, the highest gifts of the understanding, the most brilliant successes of talent, must ultimately contribute to the advantage of the body which sustained and encouraged him; while failure, or crime, or even desertion, could do little other injury than to ruin the individual.

Charlemagne's scheme of union of church and state.

Charlemagne himself had contributed largely—perhaps unconsciously—to the consolidation of the clerical body. He had, by the aid of his ecclesiastical counsellors, introduced a great many ordinances for the regulation of church-offices, the restoration of discipline, the establishment of new bishoprics and popular schools; for enforcing the duties of residence, instruction, abstinence from non-clerical occupations; for the regulation of the conduct of the laity towards churchmen, and a variety of other matters tending to uphold spiritual authority, and to promote the success of clerical ministration among the people.[u]

The efforts of this great prince had been uniformly directed to the introduction of some kind of harmony and combination among the discordant mass of terri-

[u] For the principal ordinances of Charlemagne, see *Fleury*, H. E. tom. ix.; and in particular the Capit. of Heristal ad ann. 779, ap. *Baluz.* tom. i. p. 195; Capit. ann. 789, *id.* ibid. p. 210 et sqq.; De reform. Monach. *id.* ibid. p. 242; Præcept. de install. Episc. in Saxonia, *id.* ibid. p. 246; Capit. de Partib. Sax. *id.* ibid. p. 250; Capit. Francoford. ann. 794, *id.* ibid. p. 261; Capit. Saxon. ann. 797, *id.* ibid. p. 275; Letter for the suppression of the Chorepiscopi, ann. 799, *id* ibid. p. 327; Capit. Episcop. ann. 801, *id.* ibid. p. 358; Capit. of 802, *id.* ibid. p. 379; De purgatione Sacerdot. ann. 803, *id.* ibid. p. 386; and many others in the same volume of *Baluzius.*

tories, populations, and nationalities of which his vast empire was composed; some such unity, in a word, as that which he beheld in the church. The church, therefore, became in a great degree the model upon which he desired to shape his government. But she was not merely the ensample to direct his choice of forms and means; he regarded her as an effective instrument for the accomplishment of his political purposes. It was his most earnest wish to connect himself as closely as possible with the clergy and their chief, in the hope of infusing into the state some portion of that regularity of action which no other social institution either possessed or encouraged. He accordingly directed his attention, in the first place, to the eradication of the defects he observed in the state of the church herself; and in the next, he endeavoured to enlarge her influence by liberal foundations, and ample provision for the instruction both of clergy and laity, particularly the establishment of popular schools and libraries. He encouraged learning and learned men; he associated familiarly with the most celebrated scholars of the day, and received their lessons with the docility of a pupil, and the profit of a matured and penetrating judgment.

But in this scheme of union, Charlemagne had, perhaps unavoidably, overlooked the elemental discordance existing between the principle of the church-constitution and that of the state. For the moment they might be held in some kind of combination by the force of his own character. But the state itself presented only a gigantic mass of feebleness and disease, with no self-sustaining power, deriving a certain temporary health and strength alone from the healthy and vigorous mind which presided over it. Even while that great prince was issuing edict upon edict for the better organisation and reformation of the churches of his empire, he possessed no well-defined power over the body into which he busied himself in breathing the breath of political life. The church always regarded herself as coördinate with, if not above the state; she was an institution of birth divine, and endowed with

Elemental discordance between the constitution of the church and that of the state.

an organisation of equivalent dignity; between which, therefore, and the state, the relation of subject and sovereign could not exist, unless it were in her own favour. An interchange of worldly benefit was, in that age, involved in the fundamental idea of the relation of the governors to the governed. In the mind of the church there was no room for any such reciprocity. Pious gifts and endowments, however profuse, could be productive only of spiritual benefits to the grantor; the holders and administrators of such possessions might therefore, without serious inconvenience, exempt themselves from all obligations of a civil or pecuniary character; they might connect or disconnect themselves and their interests from those of the state at their discretion; and perchance, in the end, make the surrender of all government into their hands the condition of their support to the civil powers, when harassed by extraordinary dangers or difficulties.

Paramount tendency of the spiritual power in the age of Charlemagne.

We cannot wholly overlook another and a different source of obstruction to any cordial union of church and state in the ninth and tenth centuries. The character of the religious confidence reposed in the clergy was that of *implicit trust*. Ignorance and superstition held undivided sway in the minds of the laity; the private conscience, though it might be awakened by a present sense of desperate guilt, had no general power over individual conduct, and was rarely sufficiently active to balance the irregular passions and vices of the mass. Yet such power as it might still possess, such influence as might be elicited from its feverish and fitful manifestations, was at the command of the clergy; the moral government of the world—the great distinction of right and wrong—was at their discretion; their approval determined the right, their disapprobation the moral and religious wrong. As long as such a state of things existed, it is obvious that no political law or management could hold the balance; neither could the hand which ruled the consciences of the law-makers ever honestly profess itself their subject; nay, it must, by a sort of natural necessity, sooner or later, grasp at undivided empire; and thus in the end give law

to the world, though it vouchsafed to abandon to the herd of princes and people the drudgery of execution, and the unrequited labour of administration.

Obstacles to the free development of this tendency.

Charlemagne himself was not in a position to conceive or to act upon any suspicion of the ultimate tendency of the church-principle. No such misgiving could obtrude itself upon his mind, when he beheld the clergy of all ranks greedily stretching out their hands to grasp political power, under his patronage and in his service. The obstacles he himself had to encounter arose from the licentious liberty of the feudal state; an irregularity he hoped to reduce under command by the disciplined aid of the clergy. But it was, in fact, owing to the secular tendencies of the churchmen themselves in the first place, and, in the next, to this very irregularity and turbulence of feudalism, that the church was not at once enabled to proclaim that dominant control in the government of the world, to which its whole character and constitution so manifestly pointed. As to the first of these obstacles to uncontrolled dominion, it is to be observed, that the churchmen in general brought with them into their ministrations most of the prepossessions and passions of the classes from which they themselves sprang. Prelates and abbots, in the character of a constituted estate of the realm, were not expected to relinquish any opportunities for the gratification of their private ambitions which their political position might offer. They grasped at the highest offices of state; they undertook political missions; they presided in the chancery or privy council of the sovereign; in concert with his lay ministers, they directed his public measures; while in their spiritual character they enjoyed invaluable opportunities of controlling his private conscience. So intimate a connection with worldly affairs, if suffered to proceed without check or impediment, could not fail to withdraw their attention more and more from the proper duties of their calling and the special interests of their order, and in the end to impart to the ecclesiastical body the same ill-balanced and irregular action observable in the government of the state.

But Charlemagne himself, and, hand in hand with him, a numerous body of devoted churchmen, stepped forth to the rescue of those principles of order and discipline to which the whole ecclesiastical scheme was indebted for its birth, and upon which it was dependent for its existence. The struggle of this zealous class among the clergy to avert the threatened secularisation of their own body must hereafter engage our attention: in this place it is only necessary to observe that the lay nobility had all along shown unmistakable signs of jealous disapprobation of the devotion of churchmen to secular pursuits, such as hunting, hawking, fighting in the battle-front, and other less dignified indulgences common among the laity of the age. In one instance among many, the court-nobility joined in an humble address to the monarch, beseeching him, "on their knees," to confine his prelates to their dioceses, in order that they might devote themselves to the proper duties of their sacred calling, such as singing masses, ordering processions, and distributing doles for the success of his arms. "We have seen," says the memorial, "God knows with what terror, bishops and holy clerks wounded and slain in battle in the front of the whole army, thus causing many to fly before the enemy. We therefore earnestly beseech your majesty not to allow more than two or three such persons to accompany the army, and that only to give the benediction before battle, and to shrive those in danger from wounds." They further requested that the bishops might be altogether prohibited from the practice of arms, and that they should be compelled themselves to remain at home, sending their vassals well armed into the field, to be under the command of the sovereign.[v]

The remedy.

Though the accession of the new dynasty in France had brought with it an important improvement in the condition of the clergy, by affording relief from the licentious irregularities of the government and the laity, yet their influence in the state still, in the main, rested upon the identity of their

Present dependence of the clergy upon the state.

[v] See the petition and the capitulary issued thereupon, ap. *Baluz.* tom. i. pp. 405-408.

interests with those of the new family whom they had so powerfully assisted. The hierarchy were fully sensible of this defect in their position; they apprehended that when that identification of interests should cease, or be severed by the dismemberment of the empire of Charlemagne, their security for the maintenance of their endowments and acquisitions against the cupidity of the feudal laity would be lost. This sense of insecurity greatly contributed to repress the expansion of hierarchical pretension, and to confine their efforts, for the present, to the maintenance of the balance of power between the temporal and the spiritual estates, by as large a participation in the political government, and the floating interests of the age, as could be obtained without the sacrifice of any principle of sacerdotal authority, or any material derogation of the clerical character.

The fuller development of the scheme of policy engendered by this impression is reserved for the following chapters of this book.

CHAPTER III.

CHARLEMAGNE IN THE INTERESTS OF THE PONTIFICATE.

Object of the chapter—Hadrian I. claims the protection of Charlemagne—Second expedition of Charlemagne into Italy—Hadrian sets up a donation from Constantine the Great—Drift of the fictitious donation of Constantine—Origin and nature of the forgery—Resistance to the donation of Charlemagne—The state of Italy—calls for the presence of Charlemagne—His third expedition into Italy—His attachment to Rome—Charlemagne and Hadrian in the affair of Tassilo—Coronations—Character of the intercourse between Charlemagne and the pope—Respective views and intent of the parties—Political intrigue in Italy—Fourth expedition of Charlemagne to Rome—Interference of the pope in the affair of Tassilo—Claims of the pope upon the Beneventine territory—Hadrian proposes the surrender of Beneventum—Charlemagne invests Grimoald in the duchy of Beneventum—Treachery of the Greek empress Irene; defeat of her plot—Death of Pope Hadrian I.

Object of this chapter.

In a preceding section of this work[a] we carried forward the history of the connection of the papacy with the states of Western Christendom to the elevation of its chief to the temporal sovereignty, its final severance from Byzantine state, and the initiation of an absolutely new relation to the powers of the world. We have now to ascertain how that relation shaped itself within the compass of the reign of Charlemagne, principally with a view to a clearer comprehension of the causes of those changes which it underwent in that of his descendants.

Pope Hadrian I. claims the protection of Charlemagne.

Einhard, the biographer of Charlemagne, informs us that the strictest friendship subsisted between that monarch and Pope Hadrian I. In the still extant correspondence between them, we find the freest communication of opinion and feeling both upon political and ecclesiastical affairs. In exact conformity with the policy of his predecessors, Hadrian

[a] Book IV. cc. vi. and vii. See particularly p. 417.

regarded the Frankish monarch as the covenanted protector of the holy see and its possessions, and in that capacity bound to recover for her every debt the pope might see fit to claim as her "righteous due."[b] Thus, when Leo, archbishop of Ravenna, refused to relinquish his metropolitan rights over certain districts alleged to form part of the donation of Charlemagne, the pope expressed his anxiety for the presence and support of his friend and protector.[c] Hadrian, moreover, suspected the royal *missi*, or commissioners, of collusion with the vassal dukes of Beneventum and Spoletum, to the injury of the holy see; and, whether from authentic information, or with a view to alarm his correspondent for the safety of his Italian conquests, he magnified the transactions complained of into a criminal conspiracy against the crown. He told the king that the outbreak was actually fixed to take place in the month of March then next following (A.D. 776); that Adalgis, the son of Desiderius, the captive king of the Lombards, was to appear on the coast with a Greek fleet; that Rome was to be assailed both by sea and land, the churches to be plundered, the pope to be carried into captivity, and the Lombard dynasty to be reinstated.[d]

Second expedition of Charlemagne into Italy.

Other motives were not wanting to induce Charlemagne to pay a second military visit to his newly-acquired dominions in Italy. It had become necessary to take immediate steps for the dissolution of a long-suspected plot between his disaffected subject, Duke Tassilo of Bavaria, and the partisans of the late dynasty. In the winter, therefore, of the year 776 he crossed the Alps at the head of a numerous army; the Duke of Friuli, who appears to have taken a principal part in the conspiracy, was expelled from his duchy; and in a short time the presence of the conqueror appears to have dispelled all apprehensions of further danger either to church or state. The pope professed himself satisfied with the result, and returned thanks

[b] Conf. Book IV. c. vi. p. 388, and c. vii. p. 401.

[c] See Cod. Carol. ap. *D. Bouquet*, tom. v. p. 546, ep. no. iii.; and conf. epp. nos. vii. and ix. *ibid.* pp. 551, 552.

[d] Epp. Had. Pap. epp. iv. and v. (in Cod. Carol.), ap. *D. Bouquet*, tom. v. pp. 547, 548.

for the protection afforded with great apparent warmth and cordiality. Yet all had not, it seems, been done for the satisfaction of the papal claims. Another and a different title to an almost imperial power is brought to light.

Hadrian sets up a donation from Constantine the Great.

Now, for the first time, after the lapse of four centuries and a half, it is discovered that all which Pippin or Charlemagne had conferred on the church of Rome was an insignificant instalment of that more extensive dominion originally granted to the chair of Peter by the "pious emperor Constantine." "Considering," says Pope Hadrian, "that in the days of the blessed pontiff Sylvester, that most pious emperor did, *by his donation*, exalt and enlarge the holy catholic and apostolic church of Rome, giving unto her *supreme power over all the region of the West*,—so now we beseech you, that in this our own happy day the same holy church may sprout forth and exult, and be ever more and more lifted up, so that all people who shall hear thereof may exclaim, 'God save the king, and hear us in the day in which we call upon thee!' For behold, in those days arose Constantine the Christian emperor, by whom God vouchsafed to give *all things* to his most holy church, the church of the blessed Peter, prince of the apostles. All this, and many territories besides, which divers emperors, patricians, and other godfearing persons, had given to the blessed Peter and the holy Roman and apostolical church of God, for the benefit of their souls and the forgiveness of their sins, lying in the parts of Tuscany, Spoletum, Beneventum, Corsica, Savona,—territories which were taken and kept back by the impious nation of the Lombards,—cause all this to be restored to us in these your days, according to the tenor of your several deeds of gift deposited in our archives of the Lateran. To that end we have directed our envoys to exhibit those deeds to you for your satisfaction; and in virtue of them we now call upon you to command the undiminished restitution of this patrimony of St. Peter into our hands; that by your conformity therewith the holy church of God may be put into full possession and enjoyment of its entire right; so that the prince of the

apostles himself may intercede before the throne of the Almighty for long life to yourself and prosperity in all your undertakings."[e]

Drift of the fictitious donation of Constantine.

The expressions used by the pope to denote the extent of this supposed donation are not free from uncertainty and ambiguity. The endowment of "supreme power over all the region of the West," alleged to have been granted by Constantine the Great, must have comprehended much more than the territories conveyed by the deeds of Pippin and Charlemagne. It is therefore insinuated, that though those princes had dealt liberally by the church, they would, notwithstanding, not have done their whole duty until they should have given possession of all that had been comprised in the original deed of gift. Charlemagne, it seems, was to consider himself as the mere executor of his predecessor Constantine the Great; and in that character it is obvious he must stand in a position of far less observance than as the spontaneous patron and benefactor. The fictitious donation was presented to him as absolute in its terms; therefore as at once discharging the estate conveyed in the execution of its provisions from all dues, duties, and conditions whatsoever, claimable by the hand through which it passed to the rightful owner. It was significantly hinted that his past services were held by the pope to merge in his obligations for the future; that he should think less of the benefits he had conferred than of the duties he might rightfully be called upon to perform; and that, as long as a single item of the indefinite debt entailed upon him by his great testator remained unpaid, he must consider himself as debtor to God and St. Peter for the whole.

Origin and nature of the forgery.

It would be hardly fair to presume that the impudent forgery, afterwards known by the title of the *Donation of Constantine*, had as yet found its appropriate niche in the archives of the Lateran, or that it was included among the documents which the pope instructed his envoys to produce to Charlemagne. But among the multitude of eager searchers, the thing

[e] Epp. Had. Pap. in Cod. Carol. no. xlix. ap. *D. Bouq.* tom. v. pp. 549, 550.

wanted is generally near enough at hand for the purposes of the less scrupulous among the number. In the reign of Pope Hadrian I. the desire for territorial acquisition had been stimulated by success to a degree of intensity scarcely paralleled in the history of secular ambition. In such a disposition, a feather-light tradition might stand as good ground for the most extravagant claims; and the fabrication of the outward proof of what was already registered in men's minds as accredited fact might appear as a mere venial condescension to the natural adhesion of mankind to the usual and customary modes of proof.[f]

Resistance to the donation of Charlemagne.

The transient visit of Charlemagne to Italy in the year 776 appears for the moment to have dissipated the apprehensions of the pope. No more is, for the present, heard of the alleged conspiracy between the expatriated Lombard chiefs, the Greeks, and the disaffected feudatory princes. But difficulties enough remained behind to keep alive the suspicions, and to afford ground of complaint to the querulous pontiff. It is very probable that the territorial limits set out in the donation of Charlemagne were but imperfectly known to that prince or his advisers, and that the deed had been made

[f] The letter of Pope Hadrian I. bears the date of 776. The donation of Charlemagne was dated in 774; and in that deed no mention is made of any donation of an earlier date than that of Pippin in 752, of which the deed of Charlemagne was in confirmation and execution. It is inexplicable how, if the more ancient title of the holy see derived from Constantine the Great had at the time of the delivery of the two subsequent donations been known to the papal clergy, they should have overlooked it on both occasions, when it would have been of such material assistance to their claim. How, again, did it happen, that when, in the year 774, Pope Hadrian presented to Charlemagne a copy of the Dionysian code of canon law, together with a large collection of decretal epistles of preceding popes, he neglected to send with them the solemn deed of Constantine the Great to Pope Sylvester? Yet in the letter of 776 he appeals to "plures donationes in sacro nostro Scrinio Lateranensi reconditæ," which he had actually presented to Charlemagne for his inspection, as proofs of the pending claim. Was this donation of Constantine, then, among them? If not, it must have come to light between the years 774 and 776. It is alleged to have been forthcoming in the latter year; and if not among the documents inspected by Charlemagne, the only excuse for the pope is, that it had not turned up at the proper time. At all events, Pope Hadrian I. was the first pontiff since Sylvester (A.D. 314-336) who had any knowledge of its existence; it must therefore have slept profoundly in the archives of the Lateran for a period of at least 450 years. If actually in existence in the pontificate of Hadrian I., it does not make its appearance again until more than half a century after his death, although, if produceable at this juncture, it must have been of incalculable advantage to the cause of the papacy.

to operate to the prejudice of the rights of ecclesiastical corporations and persons, as well as of those of the officers and feudatory proprietors to whom he had delegated the provincial government. Thus it had happened, that the archbishop of Ravenna had availed himself of the overthrow of the Lombard power to re-occupy the territories of Bologna and the Pentapolis in the Æmilian district as appurtenant to his patriarchate. These territories were now claimed by the pope as part and parcel of the donation of Charlemagne. Again, Reginald, the royal duke, or governor, of Tuscany, had appropriated certain towns and districts within that province which the pope alleged to have been transferred by the same instrument to the holy see. On the other hand, the ears of Charlemagne were assailed by complaints of the inordinate ambition of the Roman court, and he was solicited to interfere to put an end to these and other irregularities arising from the pride and luxury of the pontifical clergy. A spirit of resistance to the execution of the donation was, in fact, getting ahead in Italy, which gave serious uneasiness to the pope. The king himself appears to have listened with some misgivings to the general clamour of subjects, governors, and prelates, against the passionate eagerness of Hadrian to possess himself of every inch of territory, every shadow of jurisdiction, which by the largest construction of the grant might be made to pass into his hands.[g]

Pope Hadrian, however, encountered these complaints, and indeed opposition of every kind to his plans of territorial acquisition, by decrying all resistance as manifest proof of disaffection to the protecting government itself. The dukes of Tuscany, Beneventum, and Spoletum became the special objects of the papal resentment; and their recusancy was forthwith ascribed

The state of Italy.

g Epp. Had. Pap. I. ap. *D. Bouq.* tom. v. epp. viii. ix. xi. pp. 552, 553, 556. Shylock himself hardly claimed his pound of flesh with more inexorable pertinacity. The archbishop of Ravenna went in person to the court of Charlemagne to obtain justice against the papal invasion of the ancient rights of his see over the Æmilian province. See ep. vii. p. 551 of the same collection. In his epistles to the king, Hadrian frequently complains of the calumnies heaped upon himself and his clergy at the royal court, and implores him to give no ear to the slanderers.

by Hadrian to a treasonable understanding with Adalgis, the exiled claimant to the crown of Italy, whom he described as hovering on the frontier, in readiness to combine with the Neapolitan Greeks, the piratical hordes of the Adriatic, and the partisans of the dethroned dynasty throughout the land, in a general conspiracy for the overthrow of the government both of the king and the pope. There were, however, other and more serious evils to be encountered. A severe famine had reduced the population of southern Italy to despair. Enfeebled by hunger and suffering, they were no longer able to defend their homes and families from the predatory slave-dealers and pirates of the Archipelago, while multitudes sold themselves into bondage as a last refuge from death. Many of these were disposed of by the kidnappers to the Saracens of Africa. Within this calamitous period, the Neapolitan Greeks, with the supposed connivance of the Beneventines, possessed themselves of the towns of Terracina and Gaeta, and the tide of hostile aggression against Rome appeared to the pope to have set in with alarming rapidity.[h]

Calls for the presence of Charlemagne.

This lamentable state of things called aloud for the presence of the monarch, if it might be, to put an end to the sufferings of the people, to repress encroachments and piracies, and to settle the relations of the see of Rome to the feudatory dependencies of the empire. An interval of peace on his Saxon frontier, and the temporary submission of his turbulent vassal Tassilo of Bavaria, left Charlemagne at leisure to disentangle by his presence the ravelled state of Italian affairs. He was probably anxious to acquaint himself personally with the causes of the existing disorders, as well as to obtain an explanation of the interruption in the harmony of his correspondence with the pope, whom he sincerely honoured, and was well disposed to support. The critical state, however, of the coasts and frontiers, as depicted to him by Hadrian, appears to have made no serious impression. No military preparations were thought necessary; and in the winter of the year 780,

[h] Epp. Had. Pap. I. ap. *D. Bouq.* tom. v. ep. xii. and xiii. pp. 557, 558.

Charlemagne, accompanied by his consort Hildegardis, his two infant sons Carlmann and Louis, and escorted by no other force than his ordinary household troops and followers, crossed the Alps into Italy. The annalists of the age describe the expedition as a visit of devotion. Nothing, in truth, could look less like a military movement; nor did he anticipate any difficulties or dangers which he did not think his personal presence would suffice to dissipate.[i] From the moment that he had placed the crown of Italy upon his head, that country had become an object of the liveliest interest and solicitude to him. Anxious for the fullest information upon the character and disposition of the people, he had placed himself under the tuition of the learned deacon Peter of Pisa: he had studied their language, he had made himself familiar with Roman history, and was enabled to listen with pleasure and profit when the best Latin writers were read in his presence. Among all the remains of past greatness, he regarded the city of Rome as the most precious. His admiration naturally enough took a religious turn; and his biographer assures us that of all the holy places the city contained, the shrine of St. Peter was the most interesting to him. Upon this object of his devotion he bestowed large sums in gold, silver, and precious stones; and nothing, we are told, lay nearer to his heart than that, under his patronage, the majesty of the city should suffer no diminution; more especially that the holy church of St. Peter should prosper in honour and safety, and be, by his liberality, exalted in riches and splendour above all other churches.[j]

Third expedition of Charlemagne into Italy.

His attachment to Italy and Rome.

In the spring of the year 781, Charlemagne arrived for the third time in Rome, where he celebrated the great festival of Easter. Pope Hadrian upon this occasion conferred the rite of baptism on the two young princes, changing the name of the elder from that of Carlmann to Pippin, in honour of his grandfather; and at the same moment he

Charlemagne and Hadrian in the affair of Tassilo.

[i] See Annal. *Einh. et Laurissiacens.* ap. *Pertz*, tom. i. pp. 161, 162.

[j] *Einhard.* Vit. Carol. Mag. cc. xxv. xxvii.; ap. *Pertz*, tom. ii. pp. 456, 457.

crowned the elder "King of the Lombards," and the younger (Louis) King of Aquitaine. The honour was accepted, probably solicited, by the king without a misgiving as to the inferences that might thereafter be drawn from this or past condescendencies of the like character. Charlemagne never scrupled to make use of church or pontiff for the accomplishment of his political purposes; and he now called upon Hadrian to support the remonstrances he thought it necessary to address to his nephew Tassilo by the aid of his spiritual authority. That prince had again manifested the refractory spirit which had haunted him almost from his infancy. Hadrian therefore sent two ecclesiastics to remind him on the part of the church of the oaths he had sworn to Pippin and his son, and to warn him of the dangers, both spiritual and temporal, he must incur by disobeying or neglecting the lawful commands of his superior lord. Overcome by the joint remonstrances of his uncle and the holy see, Tassilo rendered the services demanded of him in proof of allegiance: he presented himself before Charlemagne at Worms; he renewed his oaths of vassalage, and acknowledged the concomitant duties of military service and attendance upon the court and councils of the sovereign whenever he should be thereunto legally summoned.

Coronations. Character of the intercourse between Charlemagne and the pope.

The coronation of the two princes, and the papal interposition to bring back Tassilo to a sense of duty, were purely political acts; and in more modern times, the participation of the pope would, for the plainest reasons of state, have been inadmissible, except upon the strictest understanding of its purely religious and exceptive character. But it lay far beyond the capacity of Charlemagne to bestow a thought upon speculative consequences. That the papal participation in these or other political transactions should ever come to be regarded in any light but as pledges of friendly sympathy with the monarch and his measures, or that the sanction and influence of the church in support of the state should be solicited from a sense of dutiful observance rather than of cordial

and affectionate coöperation, could not have occurred to the mind of a simple and single-minded generation. In the whole intercourse of Charlemagne with the holy see, we perceive on his part the same yearning after mutual confidence, the same candid spirit of hope and trust, untainted by suspicion, and unobscured by the faintest cloud of jealous precaution. In the correspondence of Hadrian I., however, views of a very different nature are as clearly discernible. His language is on most occasions carefully framed to imply much more than a merely friendly participation in the political interests and doings of the monarch: his share is that of a *principal* rather than of an auxiliary in all the successes of the state: it is by the aid of the *prince of the Apostles* that Charlemagne has been enabled to bring the Saxons into the bosom of the Catholic and apostolic church: "Hence," he says, "we give the more hearty thanks to the divine clemency that in your time and in ours these pagans have been *by one and the same agency* brought to the knowledge of the true religion, and subjected to your royal yoke. And so it shall always be that, if in future you shall fulfil with a sincere mind and liberal hand all that you have heretofore promised to your patron the blessed Peter and unto us, the greatest and most powerful of the Gentile nations shall, by his suffrage and support, be brought under your dominion; and thus we shall be together held worthy of the great reward which at the supreme tribunal of Christ shall await both you and us for the salvation of so many souls."[k]

Respective views and intent of the parties.

The great conqueror appears to have accepted this estimate of the respective shares of the church and his own genius in the merit of these achievements without suspicion of its remoter consequences. The subjugation and conversion of the Saxons was allowed to stand as a joint success of church and state; and all that was to be accomplished thereafter was to be subject to the like construction. Charlemagne could not but acknowledge that he had been greatly indebted to the exertions of the churchmen

[k] Epp. Had. Pap. I. ap. *D. Bouq.* tom. v. no. xxvi. p. 568.

for the pacification of his Saxon acquisitions; and in requital of this coöperation he was not inclined to deny to his spiritual allies an important share in the profits of victory. But the consciousness of present power shut out any sinister view to the future. The church was, after all, in his hands no more than an instrument for the accomplishment of his purposes; that she should ever become his mistress was remote from his contemplation; and in this disposition it is not to be wondered at that he should have identified her interests with those of his government in that spirit of reverential gratitude which might in the sequel be made to wear an aspect of homage very conducive to the progress of hierarchical pretension. Both parties were in the main inclined to regard each other as the means and instruments for the promotion of their separate interests. But the absence of any real reciprocity in the terms of compact could not but very soon become apparent. No temporal benefit could be conferred by the pope commensurate with the sacrifices the monarch was incessantly called upon to make to the insatiate craving of the holy see for those substantial augmentations, that costly support, that burdensome protection, to which he was held to have pledged himself. Such an understanding could last no longer than while either or both parties were actuated rather by religious than by merely selfish motives. The views of Pope Hadrian had nothing of a properly religious character in them: his correspondence is but an echo of the one shrill cry for "more." "Give, grant, endow, restore, and the blessed Peter shall surely send you victory and prosperity." This is the burden of the papal addresses from the birth to the consummation of the alliance. A certain coincidence of interests, supported upon the religious and loyal character of Charlemagne, had hitherto cemented the union; but, though the result might be overlooked, it is clear that as soon as those interests should diverge or cease to exist, there remained nothing behind to prevent them from falling into irreconcilable opposition.

Even within this period of apparent concord and cor-

diality some symptoms of such a divergency may be detected. In the year 786 there was once more peace—the peace of desolation—on the Saxon frontier. But at this point of time, Tassilo duke of Bavaria, in the north, and Arighis duke of Beneventum,—both of them the sons-in-law of the unfortunate Desiderius,—had assumed an attitude inconsistent with their feudal relation to the Frankish empire. Tassilo had never ceased to claim his duchy as a free inherited sovereignty, and had always submitted with undisguised reluctance to those services which constituted the badges of vassalage.[m] Duke Arighis had, it seems, never performed those duties at all. Rumours were afloat of a secret conspiracy of both dukes with their brother-in-law Adalgis, the claimant of the Lombard throne. Pope Hadrian, whose mind was fixed upon the appropriation of Beneventum as a portion of the donation of Charlemagne, represented the state of Italian affairs to the king as pregnant with danger both to church and state; and the latter was persuaded to allay the apprehensions of her friends by his personal presence in that country.

Political intrigue in Italy.

In the year 786 Charlemagne paid a fourth visit to Rome; and after performing the customary devotional exercises at the principal shrines and churches, he applied himself to the task of reducing the refractory duke of Beneventum to obedience. But Arighis was prepared for the emergency; his towns were well fortified, garrisoned, and supplied; and to these he had determined to trust for his defence. Charlemagne, on the other hand, was not prepared to maintain a protracted campaign. Arighis himself trembled at the approach of his great opponent, and was not inclined to risk all for what could, after all, be but a temporary success. An accommodation was therefore easily accomplished; Charlemagne accepted the renewed oaths of allegiance of the duke and his vassals, and carried away with him Grimoald, the second son of Arighis, as

Fourth expedition of Charlemagne to Rome.

[m] No duties were insisted upon with greater severity by Charlemagne than military service, and attendance upon the person and court of the sovereign at stated periods. Tassilo had struggled against both with the utmost pertinacity. See Ann. *Laurissiac. et Einh.* ap. *Pertz*, tom. i. pp. 162, 170.

a pledge for the future obedience of the duke and his subjects.[n] No notice was taken of the papal claim upon the territory of Beneventum; and Pope Hadrian once more saw his royal patron depart without obtaining the object nearest to his heart.

Interference of the pope in the affair of Tassilo.

The pretensions of the pontiff upon the duchy of Beneventum were allowed to sleep for the present.[o] It is obvious that Charlemagne was not prepared to press the extinction of the Lombard duchy. Neither the military means at his immediate command, nor the unsettled state of his German frontiers, admitted of a long residence abroad; and the demeanour of his nephew Tassilo again appears to have inspired him with some uneasiness. While he was still at Rome a transaction took place of which we are unable to offer any very probable explanation. At this juncture, we are informed, two envoys from Duke Tassilo[p] appeared before the pope, requesting, in the name of their master, the mediation of the holy see between him and his liege lord. Hadrian required them to state more fully what were the terms they were empowered to offer, and what securities the duke proposed for the maintenance of his engagements. The delegates replied that they had not come to propose terms, but simply to learn the pleasure of the pontiff and the monarch. Then, without further parley, Hadrian delivered his sentence to the effect that, if the duke should in any particular infringe his subsisting engagements towards his superior, he should fall under the anathema of the church; and that if, in consequence of his disloyalty, he should lapse into rebellion, so that from such treason and contempt of the apostolical authority war should ensue, the monarch and his armies should stand absolved from all blame, and that whatever might happen in the way of homicides, burnings, and wanton destruction within his land, should

[n] *Einh.* Annal. ad ann. 786; ap. *Pertz*, tom. i. p. 169.

[o] It seems that at this interview the pope had confined his demand to the six cities or towns of Sora, Arcas, Aquinum, Arpinum, Theano, and Capua; but I do not find any sufficient authority for the statement of Fleury (tom. ix. p. 568) and Bower (vol. iv. p. 118), that they were at that time added to the donation of 774, and actually transferred to the pope.

[p] The archbishop of Salzburg and the abbot of Moodsee.

lie at the door of the duke himself, and that the king and the Franks should go free from all responsibility for the same.[q]

Claims of the pope upon the Beneventine territory.

The kind of moral legislation thus conceded to the Roman pontiff involved a principle capable of a formidable expansion. But it did not occur to Charlemagne or his contemporaries to inquire into the possible lengths to which that principle might be carried in practice. The king accepted the services of the spiritual power in furtherance of his political views with as little hesitation as he would those of a military ally; and was not disinclined to requite them in the mode most suitable to the manners of the age. The royal commissioners whom he had left behind him were instructed to give immediate attention to the settlement of the papal claims upon the territories included in his donation. But these officers had found the task of reconciling the rights of the vassal duke of Beneventum with the demands of the pope attended with serious difficulties. Hadrian was impatient of delay, and suspected the commissioners of an inclination to favour the pretensions of his adversary. Within the year after Charlemagne's departure he was once more reminded in strong terms of the criminal non-performance of his covenant with the church. "We beseech you," said the pope (A.D. 787), "for the love of your special patron, the blessed Peter, the doorkeeper of the kingdom of heaven, to give peremptory instructions to your officers on no account to quit our presence until they shall have delivered up to us all and every the cities with their territories lying within the Beneventine province, together with the jurisdictions of Populonia and Rosella, according to your covenant with the blessed Peter and ourselves. For there are certain among these your commissioners who are inclined to elude or to set at naught *that* your sacred obligation. We therefore require that you now deliver up to us these Beneventine towns in the same full and

[q] Annal. *Laurissiac. et Einhard.* ad ann. 786; ap. *Pertz*, tom. i. pp. 170, 171. Conf. *Fleury*, tom. ix. p. 569. "This," says Fleury, "is the first instance I meet with of a pope pronouncing judicially upon the justice or injustice of a war."

complete possession as you delivered the Tuscan cities of Soana, Toscana, Biturnum, and Balneum Regis, which you did heretofore in person cause to be surrendered unto us."[r]

Hadrian proposes the surrender of Beneventum.

But Charlemagne showed little alacrity in complying with these demands. His commissioners remained obdurate, and Hadrian addressed all his efforts to infuse into the mind of his protector suspicions of the loyalty of Arighis and his subjects. Hatred of the Lombards was hereditary in the breast of the papacy; the resistance of the Beneventines to the plan of spoliation, under which they had suffered for a long series of years, had irritated the pontiff beyond endurance; and no calumny, however unfounded, was neglected that would induce the suzerain to enrich the church of Rome with the spoils of his own vassal. The pope at one time informed Charlemagne that he had detected a plot between the duke and the Byzantines to betray the whole of southern Italy into the hands of the latter: that plot, it was true, had come to nothing, for that Arighis and his son Romuald had died, and that, in consequence, the Lombards had renounced their league with the Greeks only in the hope that he would invest his hostage Grimoald, as the next heir, with his father's duchy. At another time the pope assured the king that the nefarious race of the Lombards had always been the enemy of the Franks and of the church, and that no good could ever come of showing favour to them; and he frankly proposed that as soon as the season for military movements should come round, the king and the church should combine their forces, and with armed hand put the pope in possession of the cities and territories in debate.[s]

Charlemagne invests Grimoald in the duchy.

Whether Charlemagne had by this time received from his agents in Italy more precise information of the state of affairs in that country, or was disgusted with the papal importunities, is not quite

[r] Epp. Had. Pap. I.; ap. *D. Bouq.* tom. v. p. 572.

[s] Epp. Had. Pap. I. ep. xxxi. ap. *D. Bouq.* tom. v. p. 573. See also epp. xxix. xxx. and xxxii. *Ibid.*

clear. An Italian campaign did not at the moment suit the posture of his affairs in the north. With his accustomed loyalty the king immediately liberated Grimoald, and caused him to be formally inducted into his father's duchy.[t] The pope was at no pains to dissemble his wrath at this arrangement; he renewed his invectives against the "impious and altogether abominable Beneventines,"[u] and reiterated his assertion of a still subsisting plot with the Greeks of Naples, in reliance upon which, he said, the new duke and his subjects were encouraged in setting at defiance the commands of the sovereign and the rights of the holy see.[v]

Treachery of the Greek empress Irene—Defeat of her plot.

Pope Hadrian I., however, had not mistaken the designs of the Byzantine court for the recovery of its power in Italy. While the Greek governors of Naples and Calabria were actively engaged in plotting the expulsion of the Franks, the Empress Irene was endeavouring to dazzle the eyes of Charlemagne by insidious overtures she never intended to fulfil. A proposal of marriage, originating with herself, between her son, the Emperor Constantine VI., and Rotrudis, a daughter of Charlemagne, had been accepted by that monarch. But pending the negotiations credible information arrived that the capricious empress had tampered with almost all his Italian vassals, chiefly with the dukes of Friuli, Spoletum, Beneventum, and Tuscany, with a view to persuade them to throw off the yoke of the Franks; and that she was collecting troops in her Sicilian and Calabrian dependencies to cooperate with Adalgis, the claimant of the Lombard throne, whom she had sent into Italy to try his fortunes among the surviving adherents of his family in that country. The intrigues of the empress, however, had been unsuccessful, and she was compelled to begin the war without any prospect of native support. The young Duke Grimoald of Beneventum combined the forces of his duchy with those of the duke of Spoletum, and both together

[t] Ann. *Laurissiac. et Einh.* ad ann. 788, ap. *Pertz*, tom. i. pp. 174, 175.

[u] The "impii et nefandissimi Beneventini."

[v] Epp. Had. Pap. I. ap. *D. Bouq.* tom. v. epp. xxxii. and xxxiii. pp. 576, 577.

encountered and totally defeated the imperial levies. Adalgis disappeared from the scene, and Charlemagne was delivered from those apprehensions which Pope Hadrian had reckoned upon for the dismemberment of the great duchy of Beneventum to the profit of the holy see.[w]

Death of Pope Hadrian I.

The fidelity of Duke Grimoald was fully established by the result of this campaign; the papal calumnies were dissipated, and Charlemagne was less disposed than ever to gratify the craving of Hadrian at the expense of his loyal vassal. It was perhaps by this time apprehended that the transfer of the Campanian cities would shake the confidence of the great Italian feudatories in the stability of their position, and the good faith of the sovereign. During the remainder of his pontificate we trace no further attempt on the part of the pope to realise his favourite project of aggrandisement. The momentary coolness which had followed the defeat of the Calabrian Greeks produced no real estrangement between him and his great patron; and Hadrian died (A.D. 795) in the full enjoyment of the confidence and esteem of Charlemagne.

[w] Annal. *Laurissiac. et Einh.* ann. 788, ap. *Pertz*, tom. i. pp. 174, 175.

CHAPTER IV.

REVIVAL OF THE EMPIRE OF THE WEST.—THE PATRICIATE.

Territories of the holy see *in possession* at the close of the reign of Charlemagne—*Claim* of the holy see—Intercourse between Charlemagne and Pope Hadrian I.—Attachment of Charlemagne to the church—Deferential independence of Charlemagne in his intercourse with Rome—Pope Leo III. and the Patriciate—The oath of fealty; its ambiguity—Political government of Rome; its defects—Sedition against Leo III.; his visit to Charlemagne—Restoration of Pope Leo III.—*Fifth* expedition of Charlemagne to Rome—Coronation of Charlemagne, and revival of the Western Empire—Alleged reluctance of Charlemagne—Motives for the revival of the imperial dignity—Its connection with the office of patrician—The "patriciate of St. Peter"—Papal view of the act of coronation—Secular view of the imperial power—The emperor suprem judge in Rome—Charlemagne's scheme of union of church and state—Settlement of the year 806—Parliamentary confirmation of the settlement; also by the pope—Louis survives his two brothers—He is crowned emperor by his father—The imperial crown not derivative from Rome—Death of Charlemagne—His scheme of imperial polity—Severities of Pope Leo III.; resented by the Emperor Louis—Stephen IV. pope—His interview with Louis the Pious—His coronation by the pope—Character and probable intent of the ceremony—Prospective significance of the papal coronations—Character of Louis the Pious—Political errors of Louis—His settlement of the crown of the year 817—Ecclesiastical character of the settlement—Bernard king of Italy in rebellion—Cruel punishment and death of Bernard—Remorse of Louis—His remarriage—Penitential resolutions—His public penance—Constitutional government of Louis.

At the close of the reign of Charlemagne the possessions of the church of Rome may be thus identified with existing geographical divisions: 1. In virtue of right, or pretension of right, originating *prior* to the donation of Pippin, the pontiffs exercised temporal jurisdiction over the city and duchy of Rome as it had existed under the Byzantine supremacy, comprehending, as nearly as may now be ascertained, the modern district emphatically known by the name of the "Patrimony Proper," together with the greatest portion, if not the whole, of the Campagna di Roma as far south

Territories *in possession* of the holy see.

as Terracina. 2. By the donations of Pippin and Charlemagne the church of Rome had reduced into possession the city and exarchate of Ravenna, comprising the modern legations of Bologna, Romagna, Urbino, and Ferrara, with the duchies of Parma and Modena and a portion of the Venetian terra-firma on the mouths of the Po. But these extensive tracts of country were regarded by the popes as but a portion of their claim under the treaties of Pontyon and Quiercy,[a] and the donation of Charlemagne.[b] That claim extended over the islands of Corsica and Sardinia, the entire duchies of Beneventum and Spoletum, and all the remaining dependencies of the Byzantines in southern Italy, including both Calabrias and the adjacent island of Sicily;[c] thus constituting in the aggregate nearly the whole of Italy south of the river Po, ranging thence along the eastern declivity of the Appenines as far as the southernmost confine of the modern grand duchy of Tuscany, and thence expanding over the breadth of the peninsula to the extreme coasts, embracing all the greater adjoining islands, and the territory of Histria on the north-eastern shores of the Adriatic Sea.[d]

Claim of the holy see.

Pope Hadrian I. died on the 26th of December in the year 795, after the unusually long pontificate of twenty-three years and upwards. When Charlemagne heard of his demise, we are told that he wept for him as for a brother. Friendship in the mind of the monarch was a strong and durable sentiment, little liable to change, and depending solely upon the continuance of that esteem for talent and congeniality of pursuit which formed a principal element of his character.[e] Both the pope and his royal friend

Intercourse between Charlemagne and Pope Hadrian I.

[a] See Book IV. c. vi. pp. 382 et sqq.

[b] See *Ibid.* pp. 413, 414. The latter grant, it will be remembered, included (if there be not some deception) the duchies of Beneventum and Spoletum by name.

[c] The popes put forth special claims to the two duchies, arising out of alleged treaties with the Lombard princes during the pontificates of Popes Stephen III. and Paul I. See Book IV. c. vi. pp. 392, 393.

[d] *Anastas.* Bibliothec. Vit. Steph. Pap. pp. 171-180. *Id.* Vit. Had. Pap. p. 186; ap. *Murat.* Ss. Rr. Ital. tom. iii. See also the learned disquisition of *Dr. Pertz* in Mon. Germ. Legum, tom. ii. pars ii. p. 7.

[e] *Einhard.* Vit. Car. Mag. cc. xix. xxvi. xxvii. ap. *Pertz*, tom. i. pp. 454, 457.

were frankly engaged in the pursuits of secular ambition, and each found himself in the presence of the other under the only restraint to which proud and lofty spirits submit with pleasure. Both knew how useful, and both might secretly feel how obstructive, they might be to each other; but in neither did these feelings lead to those vicissitudes of trust and jealousy which they generally engender in characters of a feebler and less self-reliant cast. Both of them experimentally knew how far they could rely upon each other; and thus their differences never assumed an acrimonious or quarrelsome character. Charlemagne had with his accustomed frankness disapproved the acts of the second Nicene council; and at a later period he had declined to second the pope's project of acquisition at the expense of his Italian feudatories. Yet these disappointments, mortifying as they were to the pontifical pride, drew from the pope no intemperate expressions. In his correspondence with the king on these differences, he avoided the tone so familiar to his predecessors in dealing with refractory princes. When he desired support or favour, he implored or supplicated; when he apprehended objection or displeasure, he explained or apologised. He preferred on all occasions throwing himself upon the religious sentiments and associations of his great patron, in the full conviction that no appeal lay open to his fears. At the same time, however, he took care that the high-minded monarch of the West should be reminded that he spoke as head of the universal church, the common father of Christendom, the oracular representative of the prince of the Apostles, having, in his name and on his behalf, authority both in heaven and on earth.

Attachment of Charlemagne to the church.

By thus, on most occasions of apprehended opposition, casting his spiritual character into the scale, he managed to maintain a fair balance between his own interests and those of the monarch, without forfeiting that high esteem and consideration which had yielded so rich a harvest to his church. The religious element was originally strong in the mind of Charlemagne, and does not appear

to have suffered any diminution from the irregularities of his private life. His piety displayed itself in punctual attendance upon the services of the church; in a love of ecclesiastical architecture; the encouragement of theological studies; in profuse liberality to the clergy; and in a desire to augment the splendour and dignity of public worship. All his ideas of government, spiritual or secular, were cast in the mould of monarchy. What the king was in temporals, such was also the pope in spirituals; a view of their respective positions in church and state which led him, without forecast, to exalt the power of the Roman pontiff in the church to the same high ground as that upon which he conceived his own power in the state to rest. His secretary, Einhard, dwells with complacency upon this feature in his sovereign's character. The Roman pontiff as head of the church, Rome as the metropolis of Christendom, were, he tells us, never absent from his thoughts. All his devotional feelings attached themselves to the holy city; more especially to the shrine of the prince of the Apostles, upon which he bestowed many and very costly ornaments and decorations.

Deferential independence of Charlemagne in his intercourse with Rome.

Yet there are pregnant indications that the temper of the monarch, whether tried by the religious or the political touchstone, might be too rudely assailed. The tone of the Caroline Books,[f] the composition of which is attributed to him, proves that abject deference to authority formed no part of his character. Yet while he inveighed without reserve against an opinion he disapproved, he avoided every expression of personal disrespect for the reverend patron of that opinion. Again, in the acts of the great council of Frankfort assembled under his precept, and holding his views, he showed every disposition to save harmless the supreme authority of the holy see, as far as he might do so consistently with the resolute repression of papal error.[g] Notwithstanding, therefore, these occasional shocks, Pope Hadrian had no reason to apprehend

[f] Conf. Book V. c. iv. p. 493.

[g] Thus the decisions of the popes relative to the jurisdiction of the metropolitan see of Arles (a dispute of several centuries' standing) were scrupulously maintained. See Canon. viii.; Conc. Francof. Hard. Concil. tom. vii. The question of dispensations to be

any serious danger to his authority, or to doubt the solidity of the foundations upon which the ecclesiastical edifice rested. The presidential supremacy of Rome, at least, was universally acknowledged, and neither princes nor people manifested alarm when that authority was described to them from head-quarters as imprescriptible, absolute, divine.

Leo III. and the patriciate.

It has been intimated that on the occasion of Charlemagne's first visit to Rome (A.D. 774), Pope Hadrian conferred upon him the title and dignity of *Patrician*, or official advocate and protector of the holy see.[h] When, shortly after the death of that pontiff, in the year 795, Leo, archpriest of the church of St. Susanna, was elected to the vacant chair by the title of Leo III., the new pope hastened to renew the patent of the patriciate, as if it were an office expiring with the life of the grantor. He sent to Charlemagne the "keys of the confessional of St. Peter," and the standard of the city; and tendered the *oath of fidelity* on the part of the Romans, requesting him at the same time to send his representatives to receive them.[i] The keys, the standard, and the presents usual on such occasions were well-known symbols of investiture.

The oath of fealty.

The oath of fidelity was, however, a feature in the relation between the protector and the church, of which we have hitherto had no intimation. This oath, we are informed, was tendered "in order that the king might thereby retain the Romans in his obedience;" but of the precise duties which it imposed we find no further explanation. In the ordinary feudal sense the oath of fealty established the relation of lord and vassal between the parties; but as no mention is made of pope or church, it is probable that it was tendered on behalf of the subjects of the church, *i. e.* the Roman people, and not of the

granted to bishops and clerks employed in the service of the state was referred to the Pope. *Fleury*, H. E. tom. ix. pp. 611, 612. The pontiff was freely permitted to exercise the right of exempting monasteries from episcopal visitation, as in the cases of Itherius, abbot of St. Martin's at Tours, and Magenarius, abbot of St. Denis near Paris. Epp. Had. Pap. I. ep. xxv. ap. *D. Bouq.* tom. v. p. 567. See also *Fleury*, ubi sup. pp. 504, 505.

[h] Conf. Book IV. c. vii. p. 415.

[i] *Einh.* Annal. ann. 796; ap. *Pertz*, tom. i. p. 183.

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pontiff or the church-corporate. It is at the same time probable that the obligation was not construed to extend beyond the obedience requisite to the performance of the duty for which it was tendered; or that it implied any idea of sovereignty inconsistent with the temporal powers already exercised by the pontiff. As matters stood at this moment between him and the king, it is safest to conclude that the pope desired that the royal patrician should regard himself as captain-general of the church, and that he should in that capacity be entitled to the military services of its subjects, when called on by the church to interfere for the protection of her temporal rights.

Its ambiguity.

But the act of Pope Leo III., which placed his subjects under military obligation to a stranger, was calculated to engender grave misunderstandings. The feudal principle, now rapidly unfolding itself in the European polity, drew no distinction between civil and military subjection; and the oath of the Romans to the protector might be easily confounded with that of subject to sovereign. The exemption from the incidents of ordinary allegiance would thus be confined to spiritual, or at the utmost to corporate immunities and privileges, while the rights and powers of government, as conceived in that age, would, by virtue of that allegiance, be transferred to the protector. The papacy, indeed, recoiled instinctively from a revival of the old supremacy as exercised by the Byzantine princes. On the other hand, the state approximated to it involuntarily and unavoidably; and even at this early period the very arena might have been staked out upon which the spiritual and temporal powers would thereafter contest the dominion of the world.

But a more convenient opportunity for considering the character of the patriciate will occur when the new relation between the holy see and the state created by the revival of the western empire shall come under review. The earlier events in the pontificate of Pope Leo III. claim our attention as preludes to that great transaction, and as throwing some light, though it be but faint and dim, upon the causes which led to it.

The constitutional or political powers exercised at this period by the pontiffs within the city and territory of the church are very obscurely indicated in the documents of the age. From what we discern on the surface of history, no very well-defined relation subsisted between the so-called "republic of Rome" and the spiritual ruler. The bond which connected them, as far as at this distance of time, and with such defective information, we can discern, was the recognised participation of the richer and more powerful families in all the offices of government, and the dignities and emoluments of ecclesiastical promotion. But by such an arrangement it is obvious that every just limit between spiritual and temporal interests must be speedily obliterated; the result was verified in the unutterable corruptions of the tenth and eleventh centuries. Even at this point of time, and for a long series of years past, many symptoms of a vicious and demoralising relation between the constituents of the Roman state are apparent. In the fifth year of the pontificate of Leo III. two relatives of Pope Hadrian I., Paschal the Primicerius, and Campulus the Sacellarius of the holy see, conspired to depose the reigning pontiff. After suffering some personal injuries at the hands of his rebellious subjects, Leo was expelled the city; and he resolved to solicit redress in person at the court of Charlemagne, who was at that moment sojourning at Paderborn, within the confines of the vanquished Saxons. The king received the suppliant pontiff with the highest honours, and listened to his complaints with the profoundest attention. Of the special subjects of the conference we are not informed; but in the autumn of the year 799 Leo returned to Rome under an escort sufficiently strong to insure his personal safety. In the interim, the faction opposed to him had lost ground, and he was received by the citizens with unusual tokens of joy and affection.[j]

Political government of Rome; its defects.

Sedition against Leo III.; his visit to Charlemagne.

Pope Leo was, it appears, accompanied to Rome by

[j] *Anastas.* in Vit. Leon. III. ap. *Murat.* tom. iii. p. 197; *Chron. Moissiac.* ap. *Pertz*, tom. i. pp. 303, 304.

Restoration of Pope Leo III.

two German prelates, Hildebrand, archbishop of Cologne, and Arno, archbishop of Salzburg, as *missi dominici*, or royal commissioners, charged to make due inquisition into the offences imputed to the pope by his adversaries. The prelates are said to have examined the evidence on both sides with great care and minuteness, and at the close of it to have come to the conclusion that nothing criminal had been established against the pope; upon which decision his rebellious accusers were taken into custody and carried away to France.[k]

Fifth expedition of Charlemagne to Rome.

Within the twelvemonth of the reinstatement of the pope, Charlemagne held a great diet of the realm at Maintz. "There," says the annalist, "he assembled his great nobles, his bishops, and his abbots all; and having reported to them that there was now peace in all his borders, he called to their minds the evils which the Romans had done to the apostolic Leo; and he set his face to go into the parts of Rome, and thither he accordingly proceeded."[l] This simple notice of the annalist of Moissac is the only passage in any original chronicle in which a motive for this *fifth* expedition of Charlemagne to Rome is assigned. The king arrived at the gates of the city on the 24th of November A.D. 800, and was received by the pontiff under the porch of St. Peter's church, outside the walls, with all due devotion and honour. Seven days afterwards a solemn assembly of the citizens was convoked, at which the king acquainted them with the cause of his visit. His next proceeding is not very intelligible. He assembled, we are told, a solemn synod, still in the basilica of St. Peter, to inquire into the crimes imputed to the pope; but whether the old or fresh inculpations is not said.[m] On this occasion the king and the pope sat beside each other, surrounded by the nobility, the bishops, and the abbots of France and Italy. The spiritual lords alone were seated; the inferior priests and the laity of

[k] *Anastas.* ubi sup.

[l] *Chron. Moissiac.* ad ann. 799, ap. *Pertz*, ubi sup.

[m] *Einh.* Annal. ann. 800, ap. *Pertz*, tom. i. p. 184; *Laurissiac.* Annal. ad eund. ann. ibid.

all ranks remained standing. Proclamation was then made for the accusers to come forward and make their complaint; but no one answered to the call. It is not apparent why this formality should have been observed at all, inasmuch as the clergy had unanimously declared themselves incompetent to sit in judgment upon a pontiff of the holy see. The pope, however, intimated his intention to purge himself of all the offences laid to his charge in the form established in like cases by his predecessors. On the following day, therefore, he, in full synod, took the book of the Gospels in his hands, and upon them he solemnly protested his innocence; whereupon "the prelates and all the clergy burst simultaneously into a hymn of thanksgiving, devoutly praising God, the holy Virgin, St. Peter, and all the saints."[n]

Coronation of Charlemagne, and revival of the western empire.

Within the first month of the residence of Charlemagne in Rome, nothing took place indicative of any ulterior purpose. During all that time the king had appeared to be absorbed in regulating the political affairs of the church and city. But on Christmas-day of the year 800, while he and the pope devoutly knelt together at the altar of St. Peter's church, engaged in the preliminary prayer before mass, the pontiff, as if moved by a sudden impulse of inspiration, placed upon his head an elaborately-wrought and very costly imperial crown. At the same moment the people, as if prepared for the incident, simultaneously, and as with one voice, exclaimed, "Long life to Charles Augustus, the great and peace-giving emperor of the Romans, whom the hand of God hath crowned!" The salutation was thrice repeated; after which, according to imperial custom, he was enthroned and anointed with holy oil, and worshiped by the pope. "Whereby," says the annalist, "he was unanimously constituted emperor; and *dropping the title of patrician*, he was thenceforth called 'Imperator Augustus.'"[o]

The generally trustworthy biographer of Charlemagne

[n] *Anastas.* Vit. Leo. III.; ap. *Murat.* tom. iii. p. 199.

[o] *Ibid.* ap. *Murat.* tom. iii. p. 199 (B). See also *Einhard.* Annal. ad ann. 800, ubi sup.

Alleged reluctance of Charlemagne.

assures us that he was so averse from the imperial title, that if he had been informed of the pope's intention, he would not have entered the church.[p] The narrative of the annalist of Moissac is, however, not inconsistent with a previous knowledge of the design of Pope Leo: "When it was considered," he says, with perhaps pardonable ignorance, "that the imperial name had been discontinued among the Greeks, and that they had chosen a woman to reign over them,[q] it seemed good to the pope, and to all the holy fathers who sat with him in council, as also unto all Christian people, to nominate the king of the Franks to be their emperor, seeing not only *that he was in possession of Rome*, the mother of empire, where all the Cæsars and emperors had their seats, but also of all Italy, Gaul, and Germany, and other countries of old belonging to the empire. Inasmuch, then, as Almighty God had put all these dominions into his hands, it seemed but just that, agreeably to the desire of all Christian people, he should add thereunto the imperial title. And truly this desire king Charles himself thought he ought not to disappoint; but on the contrary thereof, yielding with all humility to God, the suffrage of the clergy, and the universal acclamations of the Christian people, he did, on the feast of the Nativity of our Lord Jesus Christ, take upon him the title of emperor, and was thereunto consecrated by our lord Pope Leo."[r]

Motives for the revival of the imperial dignity.

It is not easy to imagine a sufficient reason for the alleged reluctance of Charlemagne to accept the proffered crown. The people of Rome looked fondly forward to the revival of the imperial dignity; in the minds of the barbarian conquerors, who had adopted the faith of Rome, the ideas

[p] *Einh.* Vit. Car. Mag. c. xxviii. ap. *Pertz*, tom. ii. p. 458.

[q] Constantine VI. had died in the year 792, and since then his mother, the infamous Irene, had reigned alone. The Franks could not conceive that the imperial authority and title could be perpetuated by, or transmitted through, a female. The annalist, therefore, no doubt, regarded her usurpation as a discontinuance of the empire.

[r] *Chron. Moiss.* ad an. 800, ap. *Pertz*, tom. i. pp. 305, 306. Another codex of the same chronicle adds, as a motive for Charlemagne's assumption of the imperial crown, "ne pagani insultarent Christianis, si imperatoris nomen apud Christianos cessisset." Id. ibid. p. 306.

of religion and empire were strongly associated. The acceptance of the crown was, at all events, an extremely popular measure, and was at the time regarded as a source of political strength even against the outlying and unconverted enemies of the state. Though the imperial dignity in the West had been in abeyance for nearly three centuries and a quarter, a variety of circumstances connected with the social and political life of the conquerors themselves contributed to keep them in mind of Rome, its empire, and its laws. The whole body of the clergy, and a large mass among the social constituency itself, deduced their pedigree from Rome. Roman law, and it cannot be doubted also Roman custom lingered in many of the ancient provinces of the empire. There was besides an idea of power and sanctity attached to the name, which probably derived strength from the magnifying mist of tradition. But besides the popularity of the measure, there were special reasons which made it desirable both to Charlemagne and the pontiff. Consistently with the obvious design of the monarch to reform the state upon the model of the church, a commanding position, such as that which the imperial dignity would secure, was of paramount importance; both because it revived and confirmed the ancient alliance between church and state, and because it added honour and dignity—which in that age was power—to the means he already possessed for the introduction of order and regularity in both. To the pontiff the elevation of Charlemagne to the imperial dignity was even more desirable. The insecurity of his own domestic position, his late sufferings from the persecutions of faction, from popular turbulence and the irregular ambition of the circumjacent nobles, might well appear to him to call for greater powers of repression than the distant patrician might be inclined to exert; and it became for that purpose necessary to give to the official protector of the holy see a greater interest in the good government of the city and estate of the church than had hitherto been conceded to him.

But we think that, upon examination, it will turn out that this accession of dignity was not intended by the

Its connexion with the office of patrician.

pope to operate so as in any respect to change his political position, or to affect the subsisting relation of the patrician to the papacy, its rights and prerogatives. The Roman idea of the powers implied in the office of patrician was derived from the Byzantines. Under the eastern emperors, the patrician of Rome was a civil officer, who, like the more ancient præfects of the city, was intrusted with the administration of the law, the maintenance of the peace, and the support of government and order within the city and the præfecture. This office, analogous to that of chief-justice and general conservator of the peace, had been deputed to Pippin, and afterwards to Charlemagne, by Pope Hadrian I.[s] But that pontiff had at a very early date introduced a distinction between the patriciate of the lay protector and the "patriciate of St. Peter." According to his view of the relation between the two patriciates, the former had no power to control, but simply to support by secular means the government of the pope as the representative of the great patrician Peter. His official duties were construed to extend to the maintenance of the papal authority against all rebels and enemies, foreign or domestic, ecclesiastical or political; but only when put in motion by the pontiff himself. In all other cases the patriciate of St. Peter was intended to supersede every other authority. Hadrian was careful to hold fast by this conception of the office in all his communications with his powerful patron. He rather avoided the title of patrician, and substituted that of "defensor," which seemed to convey a more precise idea of the limitations he desired to attach to the function conferred.[t] Charlemagne himself seems to have formed in his own mind no very definite idea of the duties assigned to

The "patriciate of St. Peter."

[s] *Ducange*, ad voc. "Patricius" and "Patriciatus."

[t] *Ducange* quotes a passage from the Annales Mettenses ad ann. 773, illustrative of this conception of the patriciate: "Ibi venit ad eum (Carolum) missus domin. Hadriani Papæ obnixe postulans ut ad *defendendam* ecclesiam Romanam festinaret, et ut populum Romanum de manibus superbi regis Desiderii liberaret; adjungens quod ipse (Carolus) legitimus *tutor et defensor* esset ejusdem ecclesiæ, quoniam illud prædecessor suus sanctæ memoriæ Stephanus papa unctione sacra liniens, in *regem* et *patricium Romanorum* ordinavit."

him apart from the royal and imperial dignity. Ostensibly he accepted the patriciate in the sense of the pope, and in many passages of his legislative acts describes himself as "king and ruler of all the Franks, and in all things the devout defender and protector of the holy see."[u] Nor do the circumstances attendant upon his assumption of the imperial crown indicate any intent to enlarge the powers conferred by the patriciate. Whether the crown was placed on his head with or without his consent, the mode of conferring it was intended to imply that the king was a passive party, that he accepted it as a boon or gift at the hands of the pope without claim or pretence of right on his own part. The material crown itself was of papal procurement and fabrication; the act of coronation was that of the pontiff; he *gave* the crown; the Roman people ratified the act, and proclaimed the emperor. The transaction bears the character of a joint act, in which Leo and the Romans performed the part of spontaneous electors and sovereign depositaries of imperial power. The adoration was a simple ceremony of recognition; it was unaccompanied with any new oath of allegiance; the rights of the new emperor still resting upon the oath of obedience to him *as patrician.* Ultimately the participation of the people was no doubt considered as wholly accessory to the papal decision; and the pope might well hold himself out to the world as the sole depositary and dispenser of imperial authority. Upon this ground, indeed, the papacy cast anchor, and for all future ages held on with amazing pertinacity and success.

Papal view of the act of coronation.

On the other hand, Charlemagne and his subjects did not concern themselves with any curious inquiry into the origin of the powers which the imperial crown brought along with it. Yet, in conformity with their general notion of government, they believed that Rome and her pontiff had taken upon them the relation of subjects to the emperor whom they had crowned and anointed, in some sense analogous to that

Secular view of the imperial power.

[u] See Capit. i. in ann. 769, ap. *Baluz.* tom. i. p. 189—Capit. Aquisgran. ann. 789, pp. 209, 210.

acknowledged by the hereditary and the acquired territories of the empire towards the lord paramount. Now it should be remembered that the feudal relation, by which all their ideas of legal subordination were determined, left in the hands of the subject many of those rights and powers which, in our day, are regarded as the attributes of sovereignty. They were the leaders in the field, and the judges at home, of their own dependents and vassals. They claimed to attend the court and person of the sovereign, and to command their own contingent forces in his wars. Every power and function in the state became, more or less, the subject of feudal delegation; and the correlative obligations were as rigidly exacted as these rights were imperatively claimed. But the very position and character of the Roman pontiff were inconsistent with the exercise of these rights, and seemed to discharge him, as a matter of course, from the corresponding obligations. He could not be called into the field to render military service at the head of his armies in person or by deputy. He could not be summoned to attend the councils of the sovereign, to render the oaths of homage or even of fealty, whereby he might render himself liable to the penalties of treason and forfeiture. Yet although the subjection of the pontiff of Rome might be reduced to a shadow, it is certain that Charlemagne regarded himself as the sovereign of Rome, if not of the pope; he was *emperor in his own right* as fully as if he had placed the crown upon his own head.[v] In conformity with the opinion and practice of his age, he grounded that right upon *possession*. In the mind of the warrior there was no place for any other derivation of title; and Charlemagne and his successors took as little distinction between the possession and the sovereignty of Rome and its appurtenant territories as they did in the case of his newly-acquired dominions in Germany, Lombardy, or Spain.

The emperor supreme judge in Rome.

A few days after the coronation of Charlemagne, he directed the persons implicated in the plot of the preceding year against the life and government of the pope to be brought before him

[v] Conf. *Chron. Moissiacen.* ad ann. 800.

for judgment; and, as supreme judge, he condemned them to the death of traitors.[w] This exercise of supreme criminal judicature indicates at least the assumption of a power understood in that age to be a distinguishing attribute of sovereign authority. The pope might, perhaps, see in it no more than a legitimate act of the protecting power in defence of the Petrine rights. But the line of distinction between the protectorate and the sovereignty was too delicate for the coarse perception of the age; and it must be left to subsequent events to cast a clearer light upon the views of the Frankish princes as to the relation into which they were drawn by the late change in the outward aspect of their power. The condemned criminals were indeed respited at the intercession of the pope, and their punishment was commuted for exile; but nothing occurred to indicate any jealous feeling on the part of the pontiff; and throughout the winter of the year 800 to 801 Charlemagne continued to exercise every prerogative of imperial power in Rome with as free a hand as when he set up his migratory throne upon the banks of the Seine, the Rhine, or the Elbe.[x]

Charlemagne's scheme of union of church and state.

It had been the anxious wish of Charlemagne, throughout his long and glorious life, to raise the great mass of his subjects to a higher level of religious and intellectual attainment. In this design he was zealously seconded by his excellent Anglo-Saxon minister Alcuin. The means by which he proposed to effect this great purpose were to be found in a strong and well-organised political government co-operating with a reformed and purified church. The former of these purposes was, to a great extent, effected by his intelligent and energetic will. The union with the church and its head stood, to appearance, no less firm than the political establishment. As the approach of age and infirmity reminded him that his life could not be greatly prolonged, his whole attention was directed to the

[w] "Majestatis rei"—that is, in conformity with Roman law: but whether as rebels against their lord the pope, or against himself as representing the state, is not stated.

[x] *Einhard.* Vit. Car. Mag. § 28; ap. *Pertz*, tom. ii. p. 458.

perpetuation of the scheme he had initiated. Directed and stimulated by talents of the highest order, the revived empire of the West presented a spectacle of unity and stability teeming with hope for the future; and Charlemagne proceeded to put the finish to his great work in the fullest faith in the solidity of the foundation he had laid. In the year 806 he executed a provisional settlement of the succession to his vast dominions among his then surviving sons. To Charles, the eldest, he assigned all France to the north of Loire, and the whole of the newly-acquired Saxon provinces; to his second son, Pippin, he gave the southern districts of Germany (south of the river Mayne), and the whole of Italy;[y] to his third and youngest son, Louis, he assigned the great provinces of Aquitaine, Gascony, and Provence. The succession to these territories was to go by survivorship to the three brothers, in the first instance, without regard to their issue, unless the people of the several kingdoms or divisions should elect one of such issue to succeed to his father's share; in which case the uncles were required to confirm the election. But it was still to be strictly understood that the three divisions, though under different governors, should form one entire and indivisible realm or empire, all the subjects of which were to enjoy common rights. No further subdivision was to be admitted; in such wise that each share was, after the death of the appointed partitioner either to pass to his son by election, or revert to the surviving brothers.

Settlement of the year 806.

During the whole course of his life Charlemagne was anxious to invest his more important acts with the sanction of religion. The settlement of 806, though provisional only, was solemnly enacted and sworn to by his sons and the estates of the realm assembled in diet at Thionville; and was soon afterwards sent by the hand of the emperor's secretary to Rome for the approval and signature of the pope,—a step which lay open to a construction probably far beyond the intent of Charlemagne.[z] Mean-

Parliamentary confirmation of the settlement; also by the pope.

[y] Cap. i. an. 806, ap. *Baluz.* tom. i. p. 441. The description of Italy runs thus: "Italiam quæ et Longobardica dicitur."

[z] As a precedent, it was open to the

while the three princes were installed in their several kingdoms; but in the year 810, Pippin, the partitioner of Italy, Allemannia, and Bavaria, died, and his only son, Bernard, was designated to succeed him, and seated upon the throne by his grandfather. In the year following, the elder, Charles, followed his younger brother to the tomb, leaving a single surviving son to inherit the vast empire of their father. That son was Louis king of Aquitaine, afterwards known by the title of Louis the Pious.[a] Broken down by age and distress, Charlemagne sent for this surviving son to his royal residence at Aix-la-Chapelle (Aachen or Aquisgranæ), and conducted him to the great church he had built in that city; an imperial crown was deposited upon the high altar; and after a suitable exhortation from his illustrious parent, the young king was directed with his own hand to take the crown from the altar and place it upon his head; the emperor then presented him to the people as "Imperator Augustus," his associate in the empire during the residue of his life, and his successor after his decease. This solemn act was ratified by the hearty acclamations of the assembled nobility, prelates, and free people of the realm.[b]

Louis survives his two brothers;

is crowned emperor by his father.

There is no reason to believe that Charlemagne or his son regarded the title to the imperial crown thus acquired to be in any respect less ample and complete than if it had been transmitted by the hand that placed it on the head of the parent. If the latter had ever looked upon it as derivative or delegated, he now assuredly regarded it as transmissible by and through himself, without recurrence to the source from which he had derived it. Though, therefore, it were admitted that the pope had in the first instance bestowed the imperial crown and dignity, it is equally clear that the Emperor Louis I. took it as of his

The imperial crown not derivative from Rome.

pontiff to allege this act of Charlemagne as an acknowledgment of the insufficiency of the title to the temporal crown without the consent of the pope.

[a] The French generally designate him as "Louis le Debonnaire." The contemporary annalists uniformly give him the appellation of "Ludovicus Pius."

[b] *Theganus* de Vit. Ludov. Pii, ap. *Pertz*, tom. ii. pp. 591, 592; *Einhard*, Vit. Car. Mag. Id. ibid. p. 459.

father's right, without a thought of pope or Romans, either as the proximate or the ultimate dispensers of that splendid boon. Incidents, however, which at the moment of their occurrence seem of minor importance may often serve as the indices of serious divergencies of opinion, or of great contrarieties of party views and designs. It can hardly be doubted that the self-coronation of Louis by command of his father must have, and perhaps was intended to have, the effect of disassociating the imperial crown from every other source or origin than the concurrent will of the reigning sovereign and the free estates of the realm; thereby rendering it the subject of national, not of sacerdotal, patronage. That the pontiff of Rome should regard the transaction in the same light, was not to be expected; but the precise form in which that divergency of view was to develop itself will appear hereafter; it is sufficient for the moment to point out the ground which the papacy had to dispute in order to appropriate that exclusive patronage for which they in the end successfully contended.

Death of Charlemagne.

The Emperor Charles the Great, whom, in conformity with a groundless custom, we have been reluctantly compelled to designate by the name of Charlemagne, died on the 28th of January in the year 814,[c] after a reign of extraordinary length, and, upon the whole, beneficent activity. The development of the scheme of government of which he was the founder now becomes an important subject of inquiry. That scheme was built upon a pragmatic union of church and state, by which they were mutually to support and strengthen each other, and by which that free but harmonious action, which had subsisted as long as his hand sustained it, might be transmitted and perpetuated. The act of settlement of the year 806 had consecrated the principle of the unity of the empire. The coronation of Louis the Pious had placed Bernard king of Italy, though the heir and representative of the elder brother, in the same position of subordination to his uncle

His scheme of imperial polity.

[c] Since in that age the year ended on the 25th of March, the date is here reduced to the modern year.

as that in which his father Pippin had stood to Charlemagne. The imperial crown might tolerate association, though it did not admit of division. The act of the diet of Thionville was therefore, in this respect, inconsistent with the ancient rule of succession among the Frankish princes. The possessor of the imperial crown became the supreme head of the entire state; while the several partitioners stepped back into the position of vassalage or constituent subordination, analogous to that in which the hierarchy was believed to stand towards the whole church and its supreme pastor; so that the church and the empire might appear to the world as twin sisters of the same hallowed conception and birth. This idea of the union was clearly of sacerdotal suggestion, and was doubtless adopted by Charlemagne from the ecclesiastical aspect imparted to it by his hierarchical advisers. A difference might indeed exist in the view of the new relation as adopted by clergy and laity: the latter would probably regard the union as rather of a *fraternal* character; while the former would consider it to approach more nearly to that of *parent and child.*

Severities of Pope Leo III.

But the terms of union, if capable of settlement by any device of human ingenuity, were certainly not so in the age of Charlemagne and his successors. The relations of the pontiff of Rome to his imperial protector were as yet of so anomalous a character as to lead us to believe that no definite ideas on this important subject existed in the minds of the parties themselves. Pope Leo III. was obnoxious to the factions who had so seriously disturbed the earlier years of his pontificate; and had arbitrarily caused certain conspirators against his person and government to be tried and put to death. Thus the question at once arose, whether, even within the city and its immediate dependencies, the pope possessed proper criminal jurisdiction; or, perhaps, whether the Roman law of "majesty" applied at all to the person and government of the pontiff;—doubts which clearly impeached the papal sovereignty, by divesting him of one of its distinguishing attributes.[d] This pro-

[d] *Einhard*, Annal. ad ann. 815; ap. *Pertz*, tom. i. p. 202.

Presented by the Emperor Louis.

ceeding of Leo gave serious umbrage to the new emperor; and Bernard king of Italy was instructed to proceed immediately to Rome to make inquiry into the whole transaction. The messenger with the report of the young king was followed closely by legates from the pope with an apology, which had the effect of removing the offensive aspect of the papal proceeding from the easy and pious mind of Louis. His objections appear to have vanished; but no intimation exists as to the grounds of the papal excuses, nor is any reason assigned for their acceptance. The severities of the pope appear to have failed in appeasing the discontent of his subjects; during his last illness his enemies retaliated upon him by the wanton pillage and destruction of his recently erected villas and farms, and were on their march to Rome, proclaiming their intention of resuming their confiscated estates by force of arms. But by order of King Bernard, Duke Winigis of Spoletum encountered the rebels, and compelled them to desist from their purpose. The spirit of faction appears to have been quelled for the moment; but Leo never rose from his bed; he died on the 12th of June 816, after a pontificate of rather more than twenty years; and was, within ten days of his decease, succeeded by Stephen, a popular priest, who was unanimously elected and installed by the name of Stephen IV.

Stephen IV. pope.

Though repressed for the present by the efforts of Bernard and his Spoletan vassals, the suburban factions appear to have relinquished no particle of their hostility to the new pope. The latter, finding his own forces inadequate to the protection of the citizens and the maintenance of his authority in the dependencies, threw himself into the arms of his imperial protector. After assembling the people of Rome, and administering to them the oath of fidelity to the emperor, he sent a report of the state of affairs in the city to Louis, and expressed a desire for a personal interview for the purpose of conferring with him upon the critical position of the church generally.[e] Louis received the papal mess-

[e] *Anastas.* Vit. Steph. V. (IV.), ap. *Murat.* tom. iii. p. 213.

age with great satisfaction, and despatched imperial commissioners to conduct the pontiff to his presence. Under their protection he performed the journey in safety; and the pious emperor went forth to meet him upon the road by which he was expected to arrive. The first interview took place in the great plain of Rheims. "When," says the biographer of Louis the Pious, "the emperor and the pontiff came within sight and hearing of each other, they both dismounted from their horses; the former prostrated himself three times at full length on the ground,[f] and rising after the third prostration, he saluted the pope in the words, 'Blessed be he that cometh in the name of the Lord. Verily, the Lord God hath showed the light of His countenance upon us.' To this salutation the pope replied, 'Blessed be the Lord our God, who hath given us to behold with our eyes a second David.' Then, after embracing and kissing each other, they walked together hand in hand to the great church of the city, where, when they had risen from prayer, the pontiff and all his clergy with a loud voice greeted the emperor with the royal salute.[g] After these things," the biographer proceeds, "the pontiff bestowed upon him great and many honorary gifts; the like also upon his empress Irmengarda, his nobles, and his ministers. Then on the following Lord's day, before solemn mass, he crowned him in the presence of the clergy and all the people, and anointed him to be emperor; placing upon his head a golden crown of wonderful beauty, set with the most precious gems, which crown he had brought with him for that special purpose. In like manner also he crowned the queen, and saluted her 'Augusta,' placing upon her head a golden crown of the like fashion. And as long as the most holy father remained there, he held daily conferences with the emperor concerning the interests and service of the holy church of God. Then, when the emperor, according to his custom always rather to give than to receive, had

His interview with Louis the Pious.

Coronation of Louis the Pious by the pope.

[f] "Omni corpore in terrâ."

[g] "Fecit ei *laudes* regales." This is a singular expression. These "laudes" probably denote the solemn form of recognition paid to persons who are elevated to some high office or dignity. See *Ducange*, ad voces "laudes," "laudari," "collaudari," &c.

conferred upon the pontiff many very great and precious presents, of the threefold value of those he had received, he speeded him on his journey back to Rome, under escort of his own high commissioners, to whom he gave command that he should be provided with every comfort and treated with every honour on the road."[h]

Character and probable intent of the ceremony.

Hitherto no pontiff had received from temporal prince tokens of personal humiliation so significant as these. It could not now be denied that a Roman emperor, the highest of worldly dignitaries, had veiled his head in the presence of the great spiritual prince,—that the most powerful of earthly sovereigns had prostrated himself in adoration at the feet of the celestial prince Peter, in the person of his representative the pope. To the spectators of the scene, the demeanour of Louis must have been suggestive of worship and homage differing from that which every vassal paid to his lord rather in the greater intensity of its import than in its intrinsic character. But this impression was deepened by the adroit connection into which it was brought with the subsequent act of coronation. From first to last the whole action was arranged so as conspicuously to figure forth, on the one part, conscious self-abasement and filial submission; on the other, parental condescension and gratuitous generosity. Louis appeared to have dismissed from his memory that he was already emperor; that he had received the imperial crown from his great ancestor; or that he was for the moment any other than the devoted son and subject of the supreme spiritual monarch. The latter, it is to be observed, had taken care to throw the prior coronation into the shade—if possible, to obliterate the antecedent right and title—by the substitution of an imperial diadem provided and bestowed by himself, so as to raise an implication of the insufficiency or the nullity of the prior ceremony. Following the example of his predecessor Leo III. at the coronation of Charlemagne, Pope Stephen desired to impart to the action a spontaneous and discretionary aspect; and it may be regarded as no unfair or improbable conjecture,

[h] *Theganus*, Vit. Ludov. Pii, cc. xvi. xvii.; ap. *Pertz*, tom. ii. pp. 593, 594.

that the circumstances of the second coronation were purposely so arranged as to provide against the inference that the ceremony was a simple consecration of the person to the office by the benediction of the supreme head of the church. The symbols were changed; the second crown denoted another hand, another giver, a different right; and every part of the ceremonial was made absolutely irrespective of any prior act of the same nature.

Prospective significance of the papal coronations.

The participation of the Emperor Louis in the drama enacted at Rheims cannot, however, be regarded in any other light than as evidence of the unreflecting piety of the person and the age. His acquiescence in the papal programme was accompanied by no misgiving as to its ultimate intent. And yet, if it had occurred to him to cast a glance back at the management of Pope Stephen III. in the coronation of Pippin and his two sons; that of Hadrian I. in the coronation of the princes Charles and Pippin, in the year 781;[i] and that of Leo III. at the consecration of Charlemagne himself, in the year 800,[j]—he could hardly have avoided seeing that the scene enacted at Rheims was open to an interpretation very different from that of a merely religious dedication of the person to a vested office. Surveying the transaction from historical ground, we have little difficulty in presuming that the pontiffs of Rome had already, in some sense, conceived the imperial crown and dignity as an object of papal patronage; that they regarded it as the *gift* of the holy see, to be neither bestowed nor assumed by any lay hand; that it was a free grant of honours and advantages upon condition of services to be performed to the grantor, and consequently, like all other temporal estate, liable to forfeiture upon non-fulfilment of the duties attached to it.

Character of Louis the Pious.

The character of the Emperor Louis the Pious was of a cast peculiarly favourable to ecclesiastical pretension, and perhaps for that very reason incapable of grasping with a firm hand the reins of political power. Well-meaning, credulous, and devout, his humane and gentle spirit recoiled from the

[i] See c. iii. of this Book, p. 88. [j] See c. iv. of this Book, p. 106.

corruptions, the rudeness, and the violence of the age. His pastimes were of the simplest and most innocent kind; his conversation was more frequently bestowed upon priests and monks than upon ministers of state, nobles, or warriors. The duties of government were eclipsed or absorbed by those of religion; and he allowed it to be understood that, if a choice were left to him, he would gladly exchange the imperial purple for the monastic cowl. But the most serious of his defects as a ruler of men arose from the abject surrender of his conscience to his spiritual advisers. He was perhaps the most incapable person in his dominions to discern the proper limits between religious and political duty, both as regarded his own obligations and those of his subjects. Yet Louis loved justice and mercy; he expended the treasures his father had accumulated with a liberal hand; he provided munificently for his kinsfolk; he forgave political offenders, and restored forfeited estates with little discernment; he weakened his armies by releasing monasteries from the military services incumbent upon the lay feofs held by them; he emancipated serfs and dependents who adopted the monastic or clerical profession, to the serious injury of the proprietors and lords of the refugees; he reformed the convents, and enforced a stricter observance of monastic rule and discipline, to the great disgust of the inmates of the conventual houses; he built churches, and founded many religious establishments; in fine, he appeared to the world rather in the character of a bishop ordering and reforming his diocese, than as the chief of a fierce, a jealous, and thoroughly mercenary aristocracy.[k]

Political errors of Louis.

Scarcely one of these acts and measures but gave offence to some powerful individuals or to whole classes among his subjects. His father's concubines, his own profligate sisters and their paramours, were driven from the court and banished to their rural estates.[l] By the severity of his morals he

[k] *Thegan.* Vit. Lud. Pii, cc. 13-19, ap. *Pertz*, tom. ii. pp. 594, 595; *Baluz.* Cap. Reg. Fr. tom. i. p. 589; *Astron.* Vit. Lud. Pii, ap. *Luden*, Gesch. d. Deutsch. vol. v. p. 581.

[l] Vit. Lud. Pii incerti auctoris, c. xxiii.; ap. *Pertz*, tom. ii. p. 619.

alienated the pleasure-loving courtiers; by his aversion from the trade of war and rapine he disgusted the warlike followers of his father. By his indiscriminate liberalities he made more enemies than friends; and his acts of mercy and restitution deprived many of the fruits of their illegitimate toils. The exemptions from military service he granted weakened the force of the heriban; while the asylum opened to non-freemen in monasteries and in holy orders irritated their owners by depriving them of the profits of their bondsmen without compensation.[m]

His settlement of the crown of the year 817.

But so vast a body as the empire, once impelled, and kept in motion for a long series of years in one direction by so vigorous a hand as that of Charlemagne, cannot but continue to move in the given path for some time after the moving power has ceased to act upon it. Yet as early as the year 817 a restless spirit was apparent among the great vassals. At the diet held in that year they presented a loyal request to the emperor that he would take into his consideration the expediency of dividing provisionally the inheritance of his kingdoms among his sons, in order, they said, that in the event of his demise his sons might be qualified to take the government into their hands, and that his subjects might know whom they had to obey. Weariness of inaction under his pacific government, and the hope of exchanging this irksome state for more stirring occupation under youthful and ambitious chiefs, were the real motive of the request. Louis, however, thought fit to comply with the petition. A formal charter of partition was accordingly executed and published. The preamble provided for the unity and indivisibility of the empire; the emperor declared that the imperial power and dominion was one and indivisible, and that no earthly consideration should induce him to consent to a severance of any portion of that inheritance which God had intrusted to him, *lest detriment should*

[m] His eulogist, *Theganus* himself, disapproves of the indiscriminate emancipation of the serf-clergy, and expends much learning and eloquence in proving that such persons must be unfit for the calling. He even ventures to insinuate that Louis was perhaps rather too much addicted to pious works. Vit. Lud. Pii, Id. ibid. p. 595.

thereby arise to the holy church, and he should incur the anger of Him by whom kings reign: therefore, above all things, the empire was to remain in its entirety under the supreme sway of his eldest son Lothar, whom he declared his associate during his lifetime, and his successor after his death. To his younger sons, Pippin and Louis, he assigned royal rank and title; the former as king of Aquitaine, the latter as king of Bavaria and of all the Sclavic and Avaric frontier-provinces. Though these princes were invested with the immediate government and all appointments to office within their respective districts, they were nevertheless to regard themselves as the subjects of their imperial brother; they were to repair to his presence with their renders and tributes once in every year; to make neither war nor peace with foreign nations without his consent, nor to receive messages from strange princes, nor to give replies, without the knowledge and approbation of the emperor. He bound them to keep him constantly and accurately informed of the state of the frontiers of their respective kingdoms; and enjoined them in the case of his, the reigning emperor's, death, not to marry without the consent of his successor. If either of them should turn out an incorrigible oppressor of his immediate subjects, a tyrant or a rebel against the paternal ordinance, he was to be put down by the armed force of the others, and to be punished or deposed by a great council of the whole realm. This division was to be understood as merely administrative, and the several shares on no pretence to be subject to any further partition; it being intended that one son of each brother should succeed to the entire inheritance of his father, and that if either of them died without male issue his kingdom was to revert to the empire.[n]

Ecclesiastical character of the settlement.

The twofold unity of church and empire lightly, though distinctly, shadowed out in this document deserves particular attention. A special reason, it will be observed, is alleged for the anxious provision it contains against any severance of the political unity, namely, "that thereby

[n] See the entire document, ap. *Baluz.* Cap. Reg. Franc. tom. i. pp. 574-578.

detriment may not arise to the holy church;" a reason which implies a connection and a mutual dependence upon each other. This was the relation which the pontiffs of Rome most anxiously desired to see established, though with a reservation in their own favour of the terms and conditions of the union. At all events, church and empire were to be regarded as one inseparable unity; a scheme which could only be accomplished by imparting to the latter the same character of hallowed indivisibility under the emperor which attached to the church under her supreme head the Roman pontiff. There can be no doubt but that this great charter was digested and drawn up under the superintendence of the ecclesiastical ministers of Louis; it may therefore stand as evidence of the intimate relation of the two unities at that time existing in the minds of the churchmen. Regarding it, however, for the present as a tendency simply, the proof of its further development must be referred to facts to be disclosed hereafter.

Bernard king of Italy in rebellion.

But the settlement of the year 817 was an innovation upon the customary law of succession among the Franks. Exceptive arrangements of this kind can rarely be made familiar to a people. The right to crowns and kingdoms had hitherto followed the ordinary law of inheritance; the sons succeeded to the father's estate by equal shares, with a certain preference to the elder branch as head of the family. The act of settlement overthrew the principle of the common law; and Bernard king of Italy, the undoubted representative of the elder branch of the Carolingian family, retired from the diet in anger and disgust. Charlemagne had entailed the crown upon the youngest of his sons; and, like Esau, the elder thus became the servant of the younger: the new settlement riveted his position as the vassal of his cousin, and cut him off from all prospect of redress for the real or the supposed wrong. Under the impulse of unreflecting resentment, Bernard took military possession of the Alpine passes, and cut off the communication between France and Italy; a step which was construed as an act of treason against his uncle and

suzerain. So prompt a resistance from so dangerous a quarter to a statute of so important a character caused an unusual agitation in the mind of Louis and his ecclesiastical councillors. When acting under a sense of duty, the mild and forbearing character of the emperor was capable of instant and vigorous action. His heriban marched from all quarters upon the frontiers of Italy; and Bernard found himself outflanked on all sides, before his own preparations to meet the storm could be completed. In this dilemma the young king and his accomplices determined to retrace their steps; they dismissed their levies, and cast themselves at the feet of their offended sovereign, craving mercy and forgiveness.

Cruel punishment and death of Bernard.

The rest of the lamentable story is involved in some obscurity. A great national diet was immediately convoked at Aix-la-Chapelle, and the delinquents, lay and clerical, were delivered into their hands for trial and judgment: the former, including the unfortunate Bernard, were condemned to death as rebels and traitors; the bishops and ecclesiastics of the faction, to deposition and seclusion for the remainder of their lives. The emperor, constitutionally averse from bloodshed, commuted the sentence of the lay traitors to loss of sight; and Bernard and his friends were ruthlessly blinded. The cruel operation was so inhumanly performed, that the prince and his friend Raginhar died within three days of the execution of their sentence. Three of the sons of Charlemagne—whether legitimate or spurious we are not informed—were taken from the palace, shaven, and immured in convents, most probably with a view to diminish the number of malcontents created by the late settlement.[o]

Remorse of Louis.

It is difficult to imagine that these rigorous executions were the spontaneous suggestions of the gentle heart of Louis. The cruel punishment of Ber-

[o] *Theganus* remarks that "cæteri filii ob hoc (the settlement) indignati sunt." Vit. &c. ubi sup. c. xxi.. Many of the principal prelates of Lombardy were involved in the rebellion of Bernard. The three princes were afterwards provided for by bishoprics and abbeys. *Thegan.* ubi sup. c. xxiv.; ibid. p. 596. See also Vit. Ludov. Imp. ab incerto auctore, cc. xxix. xxx.; Id. ibid. pp. 622, 623.

nard stands out as the single dark speck upon the otherwise spotless vesture of his humanity. Doubtless the gravamen of the offence committed lay in the intended overthrow of the late solemn settlement; and if we do not err in tracing that instrument to the ecclesiastical workshop, we shall feel no hesitation in laying at the door of the clergy the clamour which was raised in the diet of Aix-la-Chapelle against the cruel clemency of Louis.[p] But the act was scarcely perpetrated before a fever of remorse settled upon the delicate conscience of Louis. A feeble understanding cannot easily clear scores with a too susceptible conscience. The premature death of his empress Irmengarda in the next year was followed by a frenzy of regret for his share in the death of his nephew. He bemoaned his criminal compliance with wild lamentations; he confessed his sin to his prelates, and courted the most rigid penances they could prescribe. It was even apprehended that he contemplated retiring from the world, if perchance he might by prayer and penance recover that peace of mind which seemed to have departed from him for ever.[q]

Remarriage of Louis: his penitential resolutions.

In the year 819, however, his friends persuaded him to seek relief from this state of depression in a second marriage. In compliance with their affectionate solicitations, he raised to the throne Juta, or Judith, the beautiful daughter of one of the great nobles of his court. For the first few years of the marriage the new connection appears to have restored him to some degree of tranquillity. But during that period disorders had broken out among his turbulent

[p] "Licet *multis* obnitentibus (quære, the clergy?) et animadverti in eos tota severitate legali cupientibus." Vit. Lud. Pii ab incert. auct. c. xxx.; ap. *Pertz*, tom. ii. p. 623. It is not very clearly expressed in either biography whether the emperor really intended the commuted sentence to be carried into execution. *Theganus* says that he refused to inflict the capital punishment, "but that *his councillors* put out the eyes of Bernard and the other conspirators, &c." The anonymous biographer says that he "consented" to their being deprived of sight. This vague language leads to the conjecture that the consent in question was extorted from him, and that his vindictive ministers hastened to act upon it before he could recall it. His subsequent remorse for the fatal result confirms this impression.

[q] *Thegan.* ubi sup. c. xxiii., and the Anonymous Life, ubi sup. The cause of his remorse was, "quia *non prohibuit* concilliariis suis hanc debilitatem agere." The Annals of Einhard do not notice the remorse and penance of Louis.

subjects; his arms, more especially upon the eastern or Avaric frontier, had not been attended with the usual success; a series of unproductive seasons had brought famine and disease along with them; and now disagreements in his family disturbed his domestic peace. All these untoward events he persisted in regarding as sent to remind him of his yet unexpiated sins, more especially of that great sin, the consent given to the death of his nephew. The recollection of that terrible deed was now never absent from his mind; and he resolved, if possible, to expiate it by an act of public self-humiliation, which should at once bear testimony to the depth of his repentance, and carry with it the most ample amends it was in his power to make to all whom in the course of his life he had ever injured or aggrieved.

His public penance.

By way of prelude to this resolution, he proclaimed Lothar, his eldest son and associate in the empire, king of Italy in lieu of the murdered Bernard, and married him to Irmengarda, daughter of Count Hugo; he published a free pardon to all the accomplices of his unfortunate nephew, and restored them to rank and estate; he recalled all exiles for political offences, and placed his younger brothers in such stations in the church as became their illustrious birth. In the following year he appeared before a great diet of the realm, assembled at Attigny on the Aisne, clad in a penitential garb; he made public confession of his sins, more especially of the death of his nephew, as well as of the offence against his brothers and the ministers of his father, Adalhard and Wala, whom he had deprived of their benefices; he made public restitution to all whom in his moments of weakness or suspicion he had ever injured; and finally, he craved pardon from God and man for all these trespasses through the prayers of the faithful, and by such almsgivings and religious donations as should be deemed requisite for the remission of his sins.[r]

By the time that Louis the Pious had sat eight years upon the throne there was not a knave in his realms who

[r] Vit. Lud. Pii, cc. xxxiv. xxxv., ap. *Pertz*, tom. ii. p. 626; *Einh.* Ann., tom. i. p. 209. ibid.

might not have taken a tolerably accurate measure of the emperor's capacity for government, and laid his plans of self-aggrandisement, agitation, or treason, with a fair chance of success. One only circumstance operated to postpone the worst consequences of this self-abandonment. Louis was a thoroughly constitutional prince; and as long as law and precedent stood by him, he felt his ground with sufficient certainty. His honest mind leaned with simple confidence on the councils of his lieges. During his reign the national diets were held more frequently than in any that had preceded or that followed it. Great councils of the several divisions of the empire were always called once, frequently twice, and sometimes thrice in the year. At these assemblies bishops and abbots, princes, nobles, and freemen, met in one great body; and in them ordinances spiritual and temporal were indifferently discussed and enacted. In meetings so constituted, and in such an age, the preponderance of the ecclesiastical element could not be for a moment doubtful; and it will be our task in the following chapter to inquire how this state of things in France fructified for the benefit of the papacy.

Constitutional government of Louis.

CHAPTER V.

THE "FIELD OF LIES."

Lothar I. crowned emperor by Pope Paschal I. at Rome—Commissions of inquiry as to disorders in Rome—Eugenius II. pope; movement for reform—Reformatory ordinance of Lothar I.—Pope and Romans swear fealty to the emperors—Nature and legal consequences of the oath—State of affairs in France; unpopularity of Louis—First captivity of Louis the Pious—Restoration of Louis—Impolitic clemency of the emperor—Rebellion and forfeiture of Pippin of Aquitaine—Displeasure of the churchmen—Ground of complaint—Valentine I. and Gregory IV. popes—Second insurrection of the sons of Louis the Pious—Imbecile policy of Louis—Perplexity of Pope Gregory IV.—Abbot Wala and Paschasius Radbertus—Intrigues of the princes and churchmen—The "*Field of Lies*"—Falsehood, insolence, and duplicity of Lothar—General defection of the emperor's adherents—Deposition of Louis the Pious by the rebel pope and princes—Disappointment of the churchmen—Second restoration of Louis the Pious—Anarchical state of the empire—Death of Pippin, and elevation of Charles (the Bald) to the throne of Aquitaine—Death of Louis the Pious—Project of Lothar—Defeated at Fontenaille—Final treaty of partition at Verdun (843)—Effect of the partition—Dissolution of the unity of the empire—New basis of ecclesiastical power.

Lothar I. crowned emperor by Pope Paschal at Rome.

THE short period of only seven months and twenty-four days brought the not uneventful pontificate of Stephen IV. to a close. Paschal, abbot of the monastery of St. Stephen near the basilica of St. Peter, was unanimously elected to the vacant chair.[a] At the period of his election (A.D. 817), or shortly afterwards, the junior emperor Lothar, as king of Italy, was sent by his father to reside in that country, under the tuition of Wala, abbot of Fulda, the ancient and approved minister of his grandfather. Disorders of every kind had reappeared in Italy in appalling number

[a] "Unâ concordiâ, unâ eâdemque voluntate . . . a cunctis sacerdotibus seu (et) proceribus, atque omni clero, nec non et optimatibus, vel (et) cuncto populo Romano . . . in sedem apostolicam pontifex elevatus est." *Anastas.* in Vit. Pasch. I. ap. *Murat.* tom. iii. p. 213. This meagre account of the election of Paschal I. is all that can be gleaned respecting his pontificate from the tedious enumeration of pious works attributed to him by the biographer.

and magnitude. Rome, it appears, was more especially distracted by faction and even bloodshed; evils which neither Lothar nor his advisers were able to encounter or prevent. When on the point of returning to France, the young emperor was summoned by Pope Paschal to Rome, with the request that he would celebrate the Easter festival in the holy city. Thither Lothar accordingly proceeded; he was received by the pontiff with extraordinary honours, and on the Easter-day of the year 823—we are drily told—was crowned emperor by the hand of the pope, and saluted "Augustus" by all the people of Rome.[b] It will have been observed that no precaution had been neglected by preceding pontiffs to prevent any discontinuance in the spiritual function hitherto assumed and exercised by the holy see in the disposal of the imperial crown; more especially with a view to guard against the notion that there could be an emperor without a pope, any more than that there could be an empire without a church. As far as our information extends, we have no reason to believe that Lothar had demanded the honour of a solemn coronation, or even that he had any notice of the papal intention to confer it. This act, therefore, assumed the like aspect of spontaneity and self-sufficiency on the part of the holy see as that which had been imparted to all previous ceremonies of the like nature. At the same time there is reason to think that it was not displeasing to the prince or his followers. The Franks had, in fact, begun to look up to him for the fulfilment of those hopes and expectations which the quiescent character of his father had disappointed. His title to the empire was by this act placed upon an equality with that of his feeble parent; and no obstacle remained to arrest his grasp of the supreme power but the weak considerations of filial duty and the dead letter of the settlement of the year 817.

It does not appear how the Emperor Louis was affected by this transaction. But he had listened to the report of the anarchical state of Italy, and more espe-

[b] *Einh.* Annal. ad ann. 823, ap. *Pertz*, tom. i. p. 210; Vit. Lud. Imp. c. xxxvi., Id. ibid. tom. ii. p. 627.

Commissions of inquiry as to disorders in Rome.

cially to the accounts he had received of certain rigorous acts of criminal administration done by Pope Paschal, with undisguised indignation. With a view to the remedy of these irregularities, he sent Adelhard abbot of Corvey as his special commissioner to that country, to take all necessary measures for the restoration of order; but more especially to report to him upon the cruelties and bloodshed imputed to the pope. The pontiff, he was informed, had irregularly condemned and put to death Theodorus and Leo, two principal officers of the holy see. An unsatisfactory explanation had been tendered by Paschal to the emperor, and the latter had thereupon delegated the inquiry to certain special commissioners, who were directed to investigate the charges on the spot. But with a view to anticipate or to thwart the imperial inquest, the pope resorted to the ordinary expedient of self-purgation, and by the concurrent oaths of thirty episcopal compurgators he solemnly discharged himself from all guilty participation in the death of the two unfortunate ecclesiastics; declining, however, to point out the perpetrators, and boldly asserting that the sufferers had only paid the penalty due to their treason. After this, it seems, the commissioners had nothing to do but to report to the emperor that their functions were at an end.[c]

Eugenius II. pope; movement for reform.

It was probably no difficult matter for the pope to appease the resentment of the placable emperor. It was easy to ascribe the violences committed on the persons of Theodorus and Leo to a justifiable zeal for the public welfare;—the punishment, in short, of treason against the state rather than against the pontiff. But it is obvious that the officers of Louis in Italy did not participate in this opinion. The general complexion of the meagre list of facts before us leads to the impression that the popular faction had hitherto maintained the upper hand in Rome, and that the sanguinary acts complained of had been the results of the popular opposition to aristocratic pretension. Be this as

[c] *Einh.* Annal. ad ann. 823, ubi sup. *Theganus* (Vit. Lud. Pii, c. xxx.) says that the body of compurgators consisted of thirty-four bishops and five (cardinal) priests and deacons. *Pertz*, tom. ii. p. 597.

it may, at the death of Pope Paschal I., in the year 824, the nobility and gentry of Rome and the adjoining districts succeeded in placing Eugenius, archpriest of the church of St. Sabina the Martyr, upon the throne, by the title of Eugenius II. The accession of the new pontiff was the signal for a rigid inquiry into the disorders of the preceding pontificate. Lothar and the officers of his court were speedily in Rome, and the questions were proposed, How it had happened that so many persons, accused of no crime against the empire or the Frankish people, had been treated as enemies, and put to death upon a futile charge of treason? Why those who had been fortunate enough to escape with their lives were unable to obtain justice or indemnity? Why the emperor was so frequently compelled to listen to complaints of the violence of the pontiffs and the corruption of his judges? The new pope humbly admitted the reality of these evils, and imputed them frankly to the ignorance or the imbecility of the late popes, and the insatiable cupidity of their judges.

The admission implied the necessity, and brought with it the right, of reformation. The task was promptly taken in hand; and it was decreed, with the consent of all orders and ranks in the church and the republic, 1st. That all disturbers of the peace of the emperor and the pontiff should be liable to capital punishment. 2d. That in this respect no difference should be made whether those offences were committed within the lifetime of the pope or during vacancy of the holy see. 3d. That no person, whether bondsman or freeman, should presume to intrude in the election of a Roman pontiff but such as, by ancient right and usage, were entitled as citizens to the elective franchise.[d] 4th. That perpetual commissioners should be appointed by the emperor and the pope jointly to inquire into, and deliver in an annual report to the former upon, the conduct of the pope's dukes and judges in the administration of justice to the people; so that upon their representation, in

Reformatory ordinance of Lothar I.

[d] This provision seems to have been made to provide against the introduction of armed rabble and slaves at the papal elections.

every instance of denial of justice, the pope might give instant redress, or send the cause by appeal to the emperor or his high commissioners. 5th. That the Roman people should certify, each for himself, under what law it was his intention to live, in order that the judges might know what law to apply to his case, so that he might be bound by it. 6th. That all ecclesiastical estate, whether obtained by pretended grant from the pope or any other illegal title, be immediately restored. 7th. That all depredations or pillagings by any person or party committed against others should cease; and that mutual amends should be made for all injuries theretofore committed in the prosecution of such feuds. 8th. That all dukes and judges, and others intrusted with the administration of justice, should appear before the emperor, in order that he might acquaint himself with their names and number, and give them proper instructions how to conduct themselves in the execution of their several duties. Lastly, that all persons, as they valued the favour of God and the emperor, should render all due obedience to the Roman pontiff.[e]

Pope and Romans swear fealty to the emperors.

When this ordinance was published, it was ratified by the oaths of all present. The people swore upon the holy Evangelists, by the cross of Christ and the body of the blessed Peter, that they and all of them *would bear true allegiance* to their lords the Emperors Louis and Lothar, without guile or secret reservation, *saving* only their pledged *fidelity to the pope;* and that they would not consent to, nor permit that any election of a pontiff of the holy see be made otherwise than canonically and lawfully; nor that he who should be so elected should be consecrated pope before he should have taken an oath to the emperor to the same effect, in the presence of the imperial commissioners and of all the people, and in the same form as that which Pope Eugenius *had then actually taken and subscribed* for the welfare of the whole community.[f]

[e] See the whole document, ap. *Pertz*, Mon. Germ. tom. iii. (Legum, tom. i.) pp. 239, 240. The same with some variances, ap. *D. Bouq.* tom. vi. p. 410.

[f] The oath is appended to the ordinance in *Pertz*, ubi sup. See the same, ap. *Baluz.* Cap. Reg. Franc. tom. i. p. 647.

By this act, a legislative authority differing little in its nature and incidents from that which was exercised by the emperor within his other dominions was yielded to him both over pope and Romans. Like all other authority of the same kind, it was based upon common consent, signified by an oath of fealty. The relation of sovereign and subject was thereby as solemnly established in Rome, and on the part of the Romans, as in every other portion of the imperial dominions; subject, however, to certain special duties or obligations to be observed by the citizens to their pontiff. Though we are nowhere informed of the precise nature of this latter observance, there is reason to believe that it did not differ greatly from that of subvassals to the lord of the feof, therefore quite consistent with the duty owing to the superior lord. We are informed, indeed, that the civil and criminal judicature had to a great extent, and in some peculiar form, fallen into the prerogative of the spiritual chief, but probably not so as to be out of analogy to the like powers exercised by other tenants-in-chief within their feudal domains. This authority, we are informed, was exercised by the pontiff through his *dukes* and *judges;* but these officers were now to be made responsible to the emperor, and an appeal to him as the supreme judge was introduced. Neither ought it to be overlooked, that the relation of the pontiff to the emperor was in one respect materially changed by this ordinance. From the moment that the right of confirmation and veto had dropped from the powerless hand of the Byzantine Cæsars, no oath of fealty had been demanded from the occupant of Peter's chair; nor, until now, had any step been taken by the Frankish princes to ascertain or to fix the uncertain relations of the Roman pontiffs to the sovereign, either as patrician, king, or emperor. And now the attempt was made solely under the pressure of civil anarchy, beyond the power of the pontiffs to remedy or arrest: a state of things which made it a matter of necessity to ascertain in whom the preservation of the public peace, and the execution of the laws—that is, the sovereignty—was

Nature and legal consequences of the oath.

ultimately vested. In addition, therefore, to the command of the military forces of the republic, which the emperor exercised as patrician and protector, he was now acknowledged to possess the supreme administration of law, the superintendence of the courts, and a visitatorial power over the officers of justice. To this end, he became entitled to an oath of fidelity from pope, nobility, magistrates, and people; and that oath was made a condition-precedent to the validity of their appointments, from the highest to the lowest, and to citizens of all classes an essential qualification for the exercise of their franchise in the election of their bishop.

The importance of conveying some idea of the reciprocal position of the revived empire and the papacy may have drawn us into the field of disquisition rather than narrative. We return now to events which, though occurring at a distance from the proper centre of the papal government, are yet more intimately connected with the peculiar subject of this work than any thing that may have occurred nearer home. For the moment, the state of affairs in France calls for the greatest share of our attention: the reason will appear hereafter.

State of affairs in France; unpopularity of Louis.

Combining the information derived from the Bertinian Annals with that we obtain from the two extant lives of Louis the Pious,[g] a tolerably clear idea may be formed of the various views and interests which agitated society under his government. It has been observed, that no monarch more frequently resorted to the national councils, or more diligently applied himself to the technical duties of his station. But clemency and generosity were thrown away on a greedy and graceless aristocracy. Mercy and munificence passed for weakness; forbearance for fear; and piety for imbecility. His passive virtues met with no better reward on the part of his clergy. Though his generosity to the churches knew no bounds; though year after year crown

[g] *Annal. Bertiniani*, pars prim. ann. 830-833, ap. *Pertz*, tom. i. pp. 423 et sqq.; *Thegani* Vit. Lud. Pii, ibid. tom. ii. pp. 597, 598. But principally the Anonymous Life in the same collection (tom. ii. pp. 631-635). See also *Nithardi* Hist. lib. i. c. iii., ibid. p. 652.

estate and treasure were lavished upon charitable foundations, churches, and monasteries; yet all this liberality brought with it no return of gratitude or attachment on the part of the objects of his munificence. The military classes were mortified by the ill success of his arms against the Saracens of the Spanish frontier and the Bretons on the west coast. They complained of failure of every attempt to repress the inroads of the wild sea-rovers of the north upon the Saxon and Frisian coasts as well as upon the seaboard of France and Belgium. On the extreme eastern frontiers of the empire, it was observed, hordes of Bulgarians had overrun and ruined the rich province of Friuli; while the Saracens of Africa and Spain reigned absolute masters of the Mediterranean seas. In the absence of that personal activity—that ubiquity of presence—which had illustrated the heroic reign of Charlemagne, the blame of all these failures fell upon subordinates; and the disgrace of corrupt or inefficient agents only added to the number of the emperor's secret or open enemies.[h] But nothing contributed so materially to undermine the authority of this amiable but incapable prince as the charge of favouritism. Bernard duke of Septimania had obtained great—perhaps undue—influence over the mind of Louis and his wife, the beautiful Juta. For four years she had been barren; but in the fifth of her marriage she bore him a son, to whom the name of Charles was given. The alleged intimacy between the young empress and Duke Bernard gave offence to the churchmen. Possibly they found that, in this instance, the conscience of their master had slipped from their custody. Whispers were heard against the chastity of Juta, and the legitimacy of the infant prince was called in question. The appointment of Duke Bernard to be his tutor and guardian during his nonage strengthened the suspicion; and while the clergy regarded the alleged delinquency as falling peculiarly within their censorial province, all the resentments of the discontented laity fell upon the heads

[h] Among these might be enumerated the powerful Count Hugo, the father-in-law of the young Emperor Lothar; duke Manfred, a magnate of great estate and influence; and others, whose incapacity or misconduct had drawn down on them the emperor's displeasure.

of Duke Bernard and his too indulgent master; and at the same time drew the attention of all parties upon the younger emperor as the natural head of opposition to his father's government.

First captivity of Louis the Pious.

Louis himself took little heed of the tempest which was gathering around him. He continued his accustomed occupations of piety and philanthropy; he endowed more churches, and enhanced the splendour of divine worship; in his moments of relaxation hunting occasionally in the forests of the Vosges and the Ardennes. In the year 830, he for once appeared at the head of his armies, and conducted in person an expedition against the insurgent Bretons. Suddenly his lieges deserted his camp; his last friend, Duke Bernard of Septimania, fled to his capital, Barcelona; all who had profited most by his favours forsook him; and he became the prisoner of his son Pippin of Aquitaine. The empress shared his captivity; and, intimidated by the cruel threats of her persecutors, consented to retire from the world and to take the veil. It is said, that in the depth of her humiliation she endeavoured to prevail upon her husband to follow her example. But Louis possessed that passive courage—we might, perhaps, rather say that firm reliance upon the support of Providence in the execution of his great office—which is often strongest in characters deficient in active energy. He regarded his crown as a sacred trust, placed in his hands by God himself, and to be yielded up to the giver only. The emperor was conducted by his rebellious son to the villa of Compiegne, where he was strictly confined and guarded; and here Lothar appeared upon the scene as one of the gaolers of his parent.

Restoration of Louis.

No real sympathy, however, appears to have subsisted between the brothers; nor does the course of the narrative, as collected from the authorities referred to, justify the inference that they were the original movers of the rebellion. The learned Agobard, archbishop of Lyons, the great abbots Wala of Fulda, Adalhard of Corvey, Hilderic of St. Denis, and other powerful ecclesiastics, looked back with anger and regret

at the repeated infractions of the settlement of 817,[1] and the impending dissolution of their favourite vision of the hallowed unity of church and empire. Wala and Hilderic, supported by the ferocious rebels Hugo and Matfrid, appeared at the head of the conspiracy, and for the time Lothar and Pippin seem to have stepped into the background. But every effort of the traitors, whether by persuasion, or menace, or duress, failed to extort from their conscientious sovereign that abdication which would have placed the crown at their disposal. Neither personal suffering, nor the danger of his consort and few remaining friends, could move him from his resolution: hesitation and uncertainty appeared in the ranks of his adversaries; Lothar and Pippin suspected each other; the junior prince, Louis of Germany, stood aloof, and declined to join his father's enemies; and the proposal of the captive emperor, to refer all existing grievances to a diet to be held at Nimwegen in the following year, was favourably listened to. This proposal did not for the present materially improve the position of Louis; but time was gained for the elements of discord which were already fermenting among the confederates to work in his favour. On the appointed day the emperor was conducted to the place of meeting; the estates of the realm attended in unusual numbers, and among them came Louis of Germany, at the head of the numerous vassalage of his kingdom, as the declared friend and loyal subject of the emperor. Lothar and Pippin hastened to separate themselves from their accomplices in rebellion, and humbly obeyed their father's injunctions not to depart from the court, lest they might too soon expose themselves to solicitations which had already proved too strong for their integrity. The principal conspirators were now his prisoners. Wala was banished to his monastery; others were secluded in convents, or sent into distant exile; the greater criminals were brought to trial at a second general diet held at Aix-la-Chapelle in the February of the following year, and were condemned to suffer death

Impolitic clemency of the emperor.

[1] Agobard took mortal offence at the edict of toleration and protection issued by Louis in favour of the persecuted Jews.

as traitors. Again the ill-judging clemency of Louis saved them from the vengeance of the law. Their punishment was commuted to forfeiture and different terms of exile; the two princes were, after a time, dismissed to their several governments, under solemn vows of amendment and future obedience; and the clerical offenders were, for the most part, permitted to return to their monasteries, there to trim the wing of ecclesiastical ambition to a far higher flight than any they had hitherto attempted.

Rebellion and forfeiture of Pippin of Aquitaine.

But the prospect of peace for the declining years of Louis was soon again overclouded. Oaths and promises were of small avail against present temptation. The young princes and their flatterers had by this time taken an accurate measure of their father's incapacity; and in the following year all three by turns appeared sometimes in open resistance to his precepts, and at others declining the service and attendance attached to the tenure of their commands. For these offences Pippin was at length formally deposed; and the name of Lothar was no longer associated with that of the emperor in the public acts of the empire. The appanage originally assigned to Charles, the son of Juta, was increased by the forfeiture of Pippin; and the latter became a houseless wanderer in the land which he had regarded as his indefeasible inheritance.

Displeasure of the churchmen.

The disjunction of the name of Lothar, the deposition of Pippin, and the assignment of Aquitaine to Charles, gave mortal offence to the high-church party. Agobard of Lyons was the first to unsheathe the spiritual sword. "Had any one," he asked, "ever heard of the like presumption? That he, who was but a party,—the inferior, the feebler, the least considered party,—should have dared arbitrarily to set aside a solemn compact sanctioned by the church and her spiritual chief! And why," he inquired, "could not Louis live in like concord with his sons as his grandfather Pippin and his own parent had lived with their children? Whence all the miseries which now overwhelmed the land, but from the weak and inconsistent innovations of the empe-

ror upon the legitimate rights of his own offspring? But it should be known that *a solemn act of a united church and empire* could not be set aside by any power but that which had ordained it. Lothar was veritable emperor, as also Pippin and Louis kings, crowned *by the hand of God and of the holy pontiff;* neither could they, or either of them, be deposed by any tribunal inferior to that which had created them; what had been decreed by the power of God, could not be repealed by the meddling hand of man."[j]

The clergy of the age had indeed plausible reasons for thus transferring the title to crowns to ecclesiastical ground. The successive pontifical coronations had all the air of potential interposition,—of essential conditions of the tenure. The settlement of 817 had been registered by the emperor himself among the records of the church; it had been placed under her protection and given into her custody for the expressed maintenance of the sacred unity of church and empire. That solemn instrument was construed to impart to the junior emperor the same representative character as that intrusted to his father; he too was emperor, and, in an equal degree, partaker of that indefeasible privilege which attached to the church herself and to all whom she might consecrate to her service. The subsequent partition, therefore, in favour of Prince Charles was, in this view, nothing less than a sacrilegious infraction of the sacred charter of incorporation of church and state; a crime all the more offensive as it was committed in favour of the offspring of incest and adultery.[k] Ground of complaint.

In Rome meanwhile Pope Eugenius II. had been succeeded (A.D. 827) by Valentine I., archdeacon of the Roman church; but that pontiff reigned little more than six weeks; and upon his decease, the presbyter Gregory, a monk of the Benedictine rule, was chosen to succeed him. The new pope Valentine I. and Gregory IV. popes.

j *Ep. Agobard.* ad Lud. Pium, ap. *D. Bouq.* tom. vi. p. 367.

k The insurgent churchmen persisted in stigmatising Charles as the offspring of an adulterous commerce of Juta with her relative Bernard duke of Septimania. The solemn trial and purgation of the slandered princess had produced no change in the judgment of her enemies.

occupied the throne for the period of sixteen years from the date of his election;[l] and, from the sixth year of his pontificate, became an almost involuntary actor in a series of transactions of a character of no less moment to the pontifical interests than had fallen to the lot of any preceding pope. In the year 833 the monitions of the churchmen and the ever-active discontents of the lay nobility had again brought the offended clergy and princes to a treasonable understanding. The brothers Lothar and Louis of Germany assembled and combined their forces, and prevailed upon the pope to countenance their claim of restitution and indemnity by his personal presence in their camp, though at first only in the ostensible character of mediator between them and their father. The latter encountered this movement of his rebellious sons by a general summons addressed to them and all the lieges, temporal and spiritual, to meet him in diet at Worms on the Rhine. In reply to this strictly constitutional precept, Archbishop Agobard took upon himself to remind the emperor that the probable consequences of resistance to the demands of the insurgents might involve him in a contest with the pontiff: and then, said he, if it should turn out that the holy father had come for the purpose of reëstablishing peace between him and his subjects; and, more especially, if he had come to reinvigorate and bring back to lawful force and effect a solemn ordinance,[m] enacted by his (the emperor's) own authority, confirmed by the estates of the realm, and sanctified by the apostolic see,—such interference would be amply justified, and all resistance would become absolutely criminal; for that the emperor had no power to change a tittle of a document resting upon such transcendent authority.[n]

Second insurrection of the sons of Louis the Pious.

Louis, at all times averse from the effusion of blood, and nervously anxious not to transgress the strict line of duty, may, not improbably, have been seriously impressed with the responsibility thrown

Imbecile policy of Louis.

[l] The 1st February 828; *Ciacone*, in Vit. Greg. IV.

[m] The settlement of 817.

[n] Ep. Agob. ap. *D. Bouq.* tom. vi. p. 366: conf. *Nithardi* Hist. lib. i. c. iv., ap. *Pertz*, tom. ii. p. 652.

upon him by a prelate of such high reputation as the archbishop of Lyons. When the emperor reached the appointed place of meeting, he found his sons encamped in hostile array. Instead of encountering the insurrection in arms, he allowed himself to be involved in negotiations with the rebels. His wishes and his hopes pointed to the pontiff, who dwelt in the hostile camp, as the heaven-sent messenger of peace and reconciliation. But the latter was himself plunged in deep perplexity at the difficulties of the task imposed upon him. He was expected by the emperor to assume the character of common referee and mediator; but the princes urged him at once to draw the spiritual sword on their behalf. The insurgents hoped to put an end to this state of indecision by causing it to be reported in the emperor's quarters that it was the intention of the pontiff to launch against him and his faithful prelates the sentence of anathema: the latter indignantly replied, "that if the holy father had come for no other purpose than to scatter censures, he might have to return home with censures on his own head."[o] This retort was magnified into a denunciation of vengeance against the pontiff for the support he had lent to the friends of the church. Still, amid the din of arms and adverse solicitation, the pontiff could not yet be made to comprehend his own position; till, upon the arrival of Abbot Wala, and his satellite Paschasius Radbertus, in the camp of the princes, his scruples vanished as by the touch of the magic wand.

Perplexity of Pope Gregory IV.

Wala and his learned associate now made it abundantly clear to him that he had nothing to fear from the censures of his adversaries; that he was responsible to no human tribunal, lay or ecclesiastical; and that his right to interfere for the preservation of peace and the reëstablishment of justice upon earth was restricted by no obligations, political or religious. They assured him that the adultress Juta was the only impediment to the restoration of amity between the princes and their father; that she was the sole

Abbot Wala and Paschasius Radbertus.

[o] *Anonym.* Vit. Ludov. Imp. c. xlviii., ap. *Pertz*, ubi sup.

authoress of all the delusions, falsehoods, injustice and discord which had for so many years afflicted the realm, and that her removal would bring all these evils to a speedy termination. "But, besides all this," says Paschasius, in the biography of his patron, "we exhibited to him certain *writings and documents, founded on the authority and under the hands of his own holy predecessors*, showing, past all contradiction, that he had the most ample powers to visit or to send to all nations for the faith of Christ, the peace of the church, the preaching of the gospel, and the maintenance of the truth of God; and that in him dwelt the fullness of that living power which came down from God and the apostle Peter, whereby he was ordained to be the judge of all men and of all things; and in such wise that he himself should be judged of no man." These writings, it is further said, were received and perused by the pope with exceeding satisfaction, and that they ministered abundant relief and comfort to his grieved spirit.[p]

Intrigues of the princes and churchmen.

Paralysed by the presence of the pontiff in the camp of the rebels, the timid emperor took no precautions to prevent intercourse between the two armies. During this unpremeditated truce, emissaries from both parties passed backwards and forwards, disseminating false reports, lies, and slanders without stint or number. The whole artillery of calumny was directed against the Empress Juta. Every act of her life was dissected and distorted by sacerdotal malice; her personal charms, her acknowledged accomplishments, her polished conversation, were but the lures and snares of Satan to bewray the unwary; they were the instruments of the lewd and intriguing spirit which polluted her whole life and conduct. Nor were texts of Scripture wanting to varnish over the unprovoked rebellion of the children against their forgiving parent. Though, said these hypocrites, it be the duty of children to obey their parents, yet fathers are likewise commanded not to provoke their children to wrath. The princes, not to be behindhand with their spiritual instructors in guile, solemnly protested that they had never swerved

[p] *Pasch. Rad.* in Vit. Walæ, lib. ii. c. xvi., ap. *Pertz*, tom. ii. p. 562.

from their allegiance; and they now simply implored the emperor not to condemn them unheard,—not to depose them without a cause,—not to disinherit them without a crime. They protested that so far from appearing in arms against him, they had come to the place of meeting with no greater military force than became their rank, and was requisite for the safety of their persons, as well as to protect them against their common enemies,—those inveterate disturbers of the public peace who had poisoned his royal mind against his own children: nor had they now come before him with any other object than to enable him to detect and punish such evil-doers; so that his throne might no longer be darkened by the presence of wicked and malignant advisers, and that they might be thereby restored to his imperial and paternal favour.[q]

The scene of dissimulation and falsehood so minutely described to us by writers of an age distinguished by no delicacy of moral feeling, forms an instructive chapter in the history of human depravity. The "*Field of Lies*"—such is the name fitly assigned to this anomalous congress by the startled conscience even of that unscrupulous age—became the starting-point of one of the boldest experiments upon the credulity of mankind ever devised by sacerdotal cunning walking hand in hand with law-breakers and rebels. Louis was fully awake to these plottings, yet could not bring himself to relinquish his faith in the oaths and protestations of his graceless children and prelates. The pontiff, he complained, was obviously an instrument in the hands of those who desired to make him an accomplice of their treason, and to lure him into a breach of his solemn engagements with his sovereign protector the emperor.[r] But to this complaint Lothar was ready with a plausible reply: he too was

The "*Field of Lies.*"

[q] Vit. Walæ, ubi sup. p. 563.

[r] This was no doubt an allusion to the oath of fidelity taken by the pope before his consecration, in conformity with the ordinance of 824: conf. p. 131 of this Chap. Throughout the middle ages all the greater and many of the minor ecclesiastical establishments, monasteries, &c. had their secular advocates (*advocati*, *defensores*) and provosts, whose duty it was to protect and save harmless the estates and privileges of the protected bodies. But the duties of both were reciprocal; the alliance was both offensive and defensive, that is, neither could side with the enemies of the other without a breach of faith.

Falsehood, insolence, and duplicity of Lothar.

emperor, and in him was vested all imperial power and prerogative; neither was he less competent to exercise the supreme protectorate than his father. The emperor had, he said, sent him to Rome that he might, by virtue of the papal consecration, be seated beside him on the throne of the empire, not nominally, but really and legally. And inasmuch, he added, with an insolent sneer, as it had come to his knowledge that certain evil-disposed persons were contriving mischief against the holy pontiff, he desired it to be understood that he was firmly resolved to resort to every measure necessary for his defence. He denied with astonishing hardihood that he had ever supported or encouraged his brothers Pippin and Louis in rebellion against their father: he had done no more than extend to them his protection in the straits to which they had been reduced by their common enemies at his court, and with the sole view of restoring them to his favour; and as to the groundless charge of seducing his vassals from their allegiance, what he had done on their behalf was to afford them some defence against unjust persecution, and to collect them under the wing of the blessed pontiff, that they might receive the benefit of his intercession on behalf of their fidelity and innocence.

General defection of the emperor's adherents.

Dissimulation, falsehood, and slander had by this time wrought their full effect upon the emperor's party. The stanchest among them might now be convinced of his incapacity to afford them protection against the ill-will of their adversaries; and the less zealous must have been anxious to make their peace while they could still claim the merit of deserting a sinking cause. The most loyal of the vassals felt themselves unsupported; his prelates wavered under a sense of duty to their sovereign and apparent opposition to the head of the church. Gregory himself was by this time fully possessed with the views of his own pontifical powers as disclosed in the writings placed in his hands by Wala and his confederates; and, under the new-born sense of his irresponsible function, and the support of those most capable of affording it, he no longer

hesitated to proceed to the imperial camp. Louis received him coldly, and frankly upbraided him with contempt of the imperial crown, manifested by his betaking himself to the protection of rebels. The pope maintained great suavity of demeanour: his only motive, he protested, was peace; his only desire, to mitigate the sore displeasure his sons had been so unfortunate as to incur; and he freely offered his mediation to put an end to so melancholy a state of estrangement. Any prospect of accommodation was welcome to the harassed father; and the pope departed to the quarters of the rebel princes on the ostensible errand of peace and good-will. But scarcely had the pontiff retraced his steps when, as if on signal given, the imperial vassals and prelates, singly or in bodies, betook themselves to the opposite camp; and within a few hours Louis found himself not only destitute of every means of resistance in the field, but exposed to the ferocious passions of a military rabble, exasperated by the mendacious tales with which they had been plied for so many weeks past. A few faithful attendants indeed still lingered about his person; but these he immediately dismissed, lest their fate might add to the black catalogue of crimes committed against his own person. "Not a man," said he, "shall risk life or limb on my account."[s]

This general defection took place upon the very night of the pope's departure from the imperial camp; and at dawn of day it was announced to him by Wala and his pupil Paschasius as a miraculous intervention of Providence on behalf of the violated rights of the princes and the church. They were followed to the pope's quarters by Lothar and Louis, and a vast multitude of all classes and ranks; and at their solicitation Pope Gregory IV., without further delay, and with the unanimous assent of all present, ad-

Deposition of Louis the Pious by the rebel pope and princes.

[s] *Thegan.* Vit. Lud. Pii, c. xlii., ap. *Pertz*, tom. ii. p. 598; *Anonym.* Vita, &c. c. xlviii. ibid. p. 636; *Pasch. Radb.* Vita Walæ, ibid. p. 563. This latter writer says, that the emperor was left quite alone with his wife Juta and his son Charles; but he gives no hint of the shameful arts by which the catastrophe was accomplished, except what may be collected from his canting defence of the rebel princes.

judged and decided that, inasmuch as by the manifest judgment of God the sceptre had fallen from the hands of Louis, his natural heir and lawfully-ordained associate and sole successor in the empire, Lotharius Augustus, should relieve him from the cares of government, and have the custody of his person. With this crowning falsehood Pope Gregory dropped the veil, and became the self-convicted accomplice of the long series of crimes by which the ruin of the amiable and innocent prince had been accomplished. A single opinion has been formed by posterity upon the conduct of the pontifical and royal conspirators. The "Field of Lies" properly expresses the judgment of that and every subsequent age upon this detestable transaction.

Disappointment of the churchmen.

But the very first events which followed the deposition and imprisonment of Louis dissipated the day-dream of the sacerdotal plotters. The princes, casting aside the counsels of their spiritual confederates,—Wala, Hilderic, Paschasius, and their party,—proceeded to divide the empire among them, as if it were a conquered province, in full and independent sovereignty. Lothar was, it is true, permitted to retain the imperial title; but in all other respects the sacred mantle of a united church and empire was rent in fragments, leaving neither principle nor power behind capable of sustaining that theoretical unity with which the ablest and not the least estimable political heads of the age had fondly connected the future welfare of both. The partitioners cast behind them—perhaps without giving the matter a thought—the fundamental principle of the settlement of Charlemagne, as well as that of the year 817. That principle, though it may have been threatened by the deposition of Pippin and the substitution of Prince Charles, was now formally trampled under foot; and the object of the movement, as far as it interested the church-party, had not only signally failed, but had struck the very foundation of their hopes from beneath their feet.[t] By the treaty of

[t] See the lamentations of Wala and his friends, ap. *Pasch. Radb.* Vit. Walæ, c. xviii. sub fin., ap. *Pertz*, tom. ii. p. 566.

division, the empire as a whole—the one empire in union with the one church—was dissolved; and the vision could never afterwards be reproduced but as a pontifical theory or a party speculation.

Second restoration of Louis the Pious—Anarchical state of the empire.

Pope Gregory IV. found himself of no further use to the exulting conspirators, and retired to Rome in great depression of spirit. Wala and his friends returned to their monasteries in grief and despondency. The Empress Juta was carried away into Italy, and confined in a convent at Tortona. Louis himself was conveyed to Soissons; and the young prince Charles—the last comfort of his bereaved age—was torn from his arms, and shut up in the monastery of Prüm.[a] The remainder of the reign of Louis the Pious, as far as it concerns our narrative, may be dismissed in a few sentences. As in the case of his earlier imprisonment (A.D. 830), Lothar failed to extort from his father a resignation of the imperial crown. The courage and constancy of the suffering prince baffled the arts and ingenuity of his clerical tormentors. Louis of Germany and Pippin of Aquitaine suspected Lothar of a design to encroach upon the dominions assigned to them on the "Field of Lies," and in conjunction compelled him to release the imprisoned emperor. The Empress Juta returned to her husband, and exerted all her influence to secure to her son Charles such a share in the common inheritance as should place him in a position of safety against the faithless ambition of his elder brothers. The princes once more had recourse to armed resistance; but such was the confusion of duty and allegiance springing from the division of command and the anarchical state of government, that no one could distinguish friend from foe. The vassals passed from one camp to the other, as interest, hope of gain, or apprehension of injury, prompted them. Oaths were taken and violated without scruple by princes, nobles, and prelates indifferently. The kings were prodigal of promises they had neither the power nor the intention to fulfil; the treasures and the domains of the

[a] In the diocese of Treves. The monastery was founded by Pippin the Short.

crown, down to the very furniture and ornaments of the palaces, were squandered to purchase military partisans. Meanwhile the frontiers were denuded of defence; the northern pirates ravaged the richest maritime districts of western France; the Bretons maintained a sturdy independence; and the Sclavic and Saxon borders were laid open to the depredations of Wends, Obotrites, Avars, and Bohemians, the still unsubdued barbarians of the Elbe, the Saale, and the Danube.

Death of Pippin, and elevation of Charles (the Bald) to the throne of Aquitaine.

The death of Pippin king of Aquitaine (A.D. 838) opened a prospect for the advancement of the son of Juta. At her solicitation Pippin, the eldest son of the late partitioner, was set aside, and the kingdom of Aquitaine was transferred to the younger prince. The sin of the father was visited upon the child; and Charles, surnamed the Bald, was seated upon a throne to which he could lay no legal or equitable claim. But reiterated rebellions and treacheries had obliterated from the memory of Louis all past treaties and conventions; and now no security could be found for the life and safety of his youngest and, it may be admitted, his favourite child but in the infraction on his own part of engagements which had been violated by almost every constituent of the realm in succession. It had become a matter of necessity that Charles should be made the equal, if he was not to become the victim, of his lawless brothers.

Death of Louis the Pious—Project of Lothar.

But amid the contentions to which the dispute gave occasion, the pious and forgiving son of Charlemagne, a man of infinite passive courage and admirable private virtues, passed from the scene (A.D. 840). It was found that even before his death his sons Louis and Lothar had speculated, each for himself, upon the results of that event, and had reciprocally tampered with each other's vassals to withdraw them from their respective services. The partition-treaty of 833 might be classed with the other falsehoods uttered upon the "Field of Lies." Lothar had now no colleague in the empire, and he made haste to set at naught the

political equality stipulated for between him and his profligate brothers. The whole imperial prerogative, as vested in his grandfather and father, was to centre in himself, and the partitioners were to be brought back to their original quality of vassal kings. Louis of Germany and Charles of Aquitaine combined their forces to defeat this attempt; and in the year 841 the quarrel was brought to the issue of battle at Fontenaille, a village not far from Auxerre. Lothar suffered a severe defeat; and the war languished into a series of bloodless movements, in which the emperor on the one side, and the princes Louis and Charles on the other, strove rather to overreach than to vanquish each other; till, in the month of June in the year 843, the contest was brought to a close by a new treaty of division, concluded and sworn to at Verdun in Lorraine. By this treaty Louis became definitively possessed of the purely Germanic regions lying upon and to the eastward of the right bank of the Rhine, and the cities of Maintz, Worms, and Speyer on the left bank, with their respective territories. He is afterwards distinguished in history by the personal title of Louis the German, and his dominion as the *kingdom of Germany*. The mass of territory lying to the westward of the rivers Schelde, Meuse, Saone, and Rhone, forming the larger portion of the modern kingdom of France, passed under the dominion of Charles the Bald. All the territories lying between these divisions, with the imperial residence of Aix-la-Chapelle, and including the greater part of the Netherlands, the provinces of Burgundy, Dauphiné, and Provence, together with the whole of Italy, remained in the hands of Lothar.[v]

Defeated at Fontenaille.

Final treaty of partition at Verdun (843).

The effect of the treaty of Verdun was not only to divest the titular emperor of all jurisdiction or authority over the persons and the vassals, or within the estate of the brother-partitioners, but also in a great degree to operate a national severance between the

Effect of the partition.

[v] The events of the ten years between 833 and 843 are pretty fully detailed in the Fuldensian Annals of *Rudolphus*, ap. *Pertz*, tom. i. pp. 361-364; in those of *Prudentius* of Treves, ibid. pp. 429-440; and in the *Bertinian* Annals, ibid. pp. 426-429.

component parts of the empire of Charlemagne. Under Louis, Germany assumed a separate nationality; while the provinces inhabited by the romanised Franks assumed an equally independent political existence under Charles the Bald.[w]

Dissolution of the unity of the empire.

These princes now stood beside the emperor as sole monarchs of their respective divisions; the unity was dissolved; and the scheme of universality, which had been from its foundation involved in the idea of the empire, was abandoned by all, save perhaps a few obstinate theorists among the high-prerogative churchmen of the age. The magnificent project of an associated spiritual and temporal monarchy, which should embrace all who called themselves by the name of the common Saviour, dropped out of the category of possible things; and the basis of ecclesiastical power and privilege had to be shifted to more solid ground—to ground lying wholly within the spiritual domain, and partaking of none of that mutability which has in all ages of the world constituted the most striking difference between religious and secular polities. The publication of the Isidorian Decretals,—the writings which we believe to have administered such lively support and comfort to the vexed mind of Gregory IV. on the "Field of Lies,"—contributed beyond expectation to facilitate the change, and to turn the current of ecclesiastical affairs into a new channel.

New basis of ecclesiastical power.

In the concluding chapters of this Book our attention must be directed to the changes in ecclesiastical law on which the Roman pontiffs relied as the foundation of their claims to spiritual dominion; more especially with

[w] The Gallo-Franks of the age of Charlemagne had for the most part dropped the language of their Teutonic ancestors; they had melted into the old Roman or Celtic population, and became a people differing in language and customs from their purer Germanic neighbours to the northward and eastward of the Schelde and the Meuse. The latter had faithfully retained both the language and the habits of their barbarian predecessors, with much of their vigour and simplicity of character. And though for a time the Cisrhenane Germans fell under another master (Lothar), yet the separation from their Gallic neighbours was definitive of their future nationality. The Schelde, the Meuse, and the Vosges mountains became for all time the approximate limits between the Gallic and Teutonic branches of the revived Empire of the West.

reference to the new elements imported into that code by the publication of the series of forgeries known to the world by the title of the Decretals of Isidore Mercator, or Peccator, which we believe first ventured into the light of day on the "Field of Lies."

CHAPTER VI.

GROWTH OF ROMAN CANON-LAW.—THE FALSE DECRETALS.

Efforts of Rome to substitute her own laws and customs for catholic legislation,—favoured by the discordance of general and particular laws—Method pursued by Rome in reducing ecclesiastical laws to her own standard—The *canon*—Confounded with outward form, government, discipline, &c.—Desire of a uniformity of ecclesiastical law—Earlier canons of church polity and discipline—Oldest collection of canons, Greek—Oldest Latin collections—Departure from the principle of church-legislation—Rearrangement of the Latin code by Dionysius Exiguus—Inconvenience of the Dionysian code—Interpolations of the canons—Suppression of canons—Rejection of canons—Self-imputed legislative power—Fusion of adoptive with pontifical law—Papal decretals supersede the canons—Gradual process of the fusion of canon and decretal law—Result—Trials of pontifical law—in Spain—in France; ascendency of Roman law—Boniface establishes the credit of Roman ecclesiastical law in France—Theory of the indivisible unity of church and state; how dissipated—Substituted scheme—Nature of the substituted scheme—Impediment to the scheme; how encountered—Encouragements to forgery—Probable date and origin of the Isidorian forgeries—The Roman pontiffs ignorant of the forgery; but immediately adopt it—The decretals originate in the school of Boniface of Maintz—Advantage derivable from these forgeries—Drift of the forgeries—How treated and acted upon.

Efforts of Rome to substitute her own laws and customs for catholic legislation,

In the introductory chapter to this portion of our narrative an attempt was made to convey some general idea of the *state of ecclesiastical law and legislation* from the establishment of Christianity to the era at which we have now arrived. It was there mentioned that the see of Rome had at an early period put in a claim to an initiative in the enactment of ecclesiastical laws, but had herself never cordially submitted to catholic legislation; that she had begun to hold out to the Christian world her own local customs, and the decretals of her pontiffs, as regulations of general concernment, overriding or superseding, modifying or explaining, not only the special

customs and observances of particular bodies, but the statute-law of the church-catholic itself;[a] that she had made a bold effort to combine in her own hands both the law-making and the executive powers of the church, and to convert the catholic synod into a mere court for the registration of her decrees:[b] that the success of these attempts was promoted by the confused and defective state of ecclesiastical law, and the incapacity of the political state to set bounds to the advances of ecclesiastical pretension;[c] that under the alleged necessity of some general rules for the preservation of unity of faith, order, and discipline in the church, the special ordinances of the Roman pontiffs had assumed, and been permitted to enjoy, a legislative force of a nature inconsistent with all privilege of self-government, whether it were that of individual churches or of the catholic body; and lastly, that in pursuance of this scheme the church of Rome was in the habit of confounding her own laws and customs and the ordinances of her pontiffs with the canons, general or particular, of the catholic body, with a view to impart to them a currency which, if truly described, they could never have obtained.[d]

favoured by the discordance of general and particular laws.

The peculiar mode of dealing with canonical ordinances adopted by the church of Rome is worthy of a somewhat closer examination. The process of substituting her own scheme of law for that of the church-catholic was facilitated by the irregular methods of legislation adopted by the churches themselves. It had been a general custom of particular ecclesiastical districts and dioceses, besides their self-enacted laws and usages, to enter upon their registers such foreign rules or canons as seemed best adapted to their domestic wants. Thus the contents of the codes or collections of these numerous bodies differed widely from each other, though entitled to the respect, and open to the perusal and use of all. This practice rendered an appeal to the canons or to canon-law a matter of difficulty and uncertainty. Thus it happened that the canons alleged by Pope

[a] Conf. ch. i. §§ 2-6, pp. 26-29.
[b] Ibid. § 8, p. 32.
[c] Conf. ch. i. §§ 9, 10, pp. 33-35.
[d] See § 13, ubi sup. p. 38.

Gelasius in justification of his censures upon their primate were quite unknown to the Illyrian prelates:[e] they were as ignorant of the "canon" defining the transcendental prerogatives of the chair of Peter as the Africans of the alleged vi[th] canon of Nicæa, or those of Sardica, as they stood upon the rolls of the Roman church.[f] But this circumstance, so far from impeding, greatly promoted the process of substitution. No state of things could more strongly inculcate the necessity of some standard authority, to which recourse might be had for the determination of disputes, the suppression of error, and the maintenance of the unity of the ecclesiastical body.[g] In so defective a state of general law, the resort to Rome became a sort of natural necessity, and entitled her at least to a hearing in all cases of conflicting usage, custom, or right. "How does the matter stand upon the statute-book of Rome?" was a question all might ask; and when once proposed, the reply might be shaped so as to denote jurisdiction, and to carry with it the weight of a legal decision. After this it would not be easy to dispute the authority of the rule upon which that decision was founded; and a strong ground would thus be established, not only to found a claim of exemption from all external control, but a right to interpret, to vary, to abrogate conflicting laws, and to adapt them to one uniform pattern.

Method pursued by Rome in reducing ecclesiastical laws to her own standard.

In fact, the course pursued was always rather that of adaptation than of abrupt or violent innovation; and the special power to take that duty upon herself was dextrously deduced by Rome from the principles of the canon-law itself. Presuming upon the general confusion and ignorance of law, the pontiffs were not to be stopped by the difficulty of finding in the canons any special provision for the alleged prerogative. It was true that the authority of general councils could not be disputed; that the existence of canons of common obligation could not be denied; and that the right of particular churches to make

[e] Conf. Book III. c. ii. p. 55.
[f] Conf. Book II. c. ii. p. 301.
[g] Always upon the supposition that *that* unity was dependent on external uniformity.

regulations for their own government had never yet been called in question. But a broad path to escape these difficulties lay open to the papacy,—the path of legislative adaptation, exposition, and dispensation; but chiefly of supplemental ordinance, drawn up, after the fashion of imperial decrees, in the shape of judicial decisions, rescripts, and charges issued, in the right of the chair of Peter, to every section of the Christian community. We have now to direct our attention more particularly to this process, its origin and progress, to its completion by the publication of the celebrated forgeries of the ninth century, known by the title of the Decretals of Isidore Mercator.[h]

The primitive church knew of but a single *canon;* nor was the word used otherwise than to denote the one invariable rule of faith and doctrine. The implicit adoption of this canon was the single *ground* of church-fellowship: the *conditions* of communion were, *first*, the observance of the moral law of the gospel; and *secondly*, membership of some particular body of believers, and obedience to the order adopted for its maintenance and government. The rule of moral conduct seemed to flow from the canon itself, and to be as little capable of change or adaptation. But an outward order or government was naturally regarded as an indispensable security for the maintenance both of dogmatic faith and moral discipline, therefore as the subject of religious obligation upon all who professed the name of Christ. Within the age of persecution and outlawry, and the simultaneous struggle of the Christian community against heretical theosophy[i] and corrupt speculation, the necessity of such a security became more and more firmly impressed upon the Christian mind, and soon came to partake of the sacred character of the canon itself. Thus any departure from the primitive form impressed upon the churches by their founders might be confounded with a departure from the canon, and appear in the odious light of heresy

The *canon.*

[h] Conf. c. i. p. 3 of this Book.
[i] Conf. Book I. c. iv. pp. 80 et sqq. of this work.

or schism. But inasmuch as the source of the canon and of outward church-government were not identical, there was a greater latitude for adaptation in the one than the other. The canon was invariable; discipline, ritual, government might preserve a general resemblance—might retain the direction impressed upon them by the primitive teachers—but could not, under the numberless disparities of outward position, acquire that identity of form and substance which characterised the canon. The personal and subjective rule of Christian life and morals were as yet to be found in the Scriptures only; whereas the forms of government were contained in the customs and usages of each particular body. There was therefore an irksome and perplexing want of correspondence between the faith itself and the means by which it was to be maintained,—between the outward and visible form and the inward and spiritual substance. The fusion of both into one indivisible unity became the object of ardent desire, and the distinction of form and substance gradually vanished from the contemplation of the Christian divine.

Confounded with outward form, government, discipline, &c.

But the time for the accomplishment of this uniformity had not arrived until Christianity became the religion of the state. Till then the necessary freedom of intercourse was wanting; and men's minds were diverted by the cares and anxieties of a precarious and struggling condition. But from the moment the churches were released from civil thraldom, and exalted by Constantine to the full enjoyment of religious liberty, the meetings or councils of the church became frequent and general; and their labours were devoted principally to the establishment of a more uniform discipline than that which had hitherto prevailed. But it had long since become a matter of experience, that the outward form impressed upon the churches by their apostolic or primitive founders was insufficient to answer the objects originally proposed. That form, adapted as it was to the wants of small and simple associations, no longer served the purposes of a church incalculably augmented in numbers, and consisting of numerous communities dif-

Desire of a uniformity of ecclesiastical law.

fering in local usages and customs. To these causes of insufficiency must be added the prevalence of heresies and departures from the original canon; moral pravity polluting the practice of clergy and laity; the ambition of the prelacy; vagrancy and other irregularities among the inferior ministry; ascetic practice, which had introduced into the church a new order of spiritual persons of vast numbers and influence, requiring new regulations to adapt it to the general purpose. A more formidable obstacle to the theoretical unity of faith and form may be pointed to in the gradual adoption of a complicated gradation of ranks and jurisdictions in the church. New rules were now requisite to define their several spheres of action, to regulate their relations to each other, to provide for the trial and punishment of an infraction of these rules, and to encounter those disorders which always attend the conflicts of interest and ambition.

Earlier canons of church polity and discipline.

The general idea of church-unity, embracing every part and portion of the ecclesiastical edifice, was, as we have seen, of early birth,[j] though of gradual growth. In the first stages of Christianity there was no eager spirit of legislation abroad. In the militant periods of church-history the struggling communities had little occasion, and less leisure, to speculate upon forms of outward polity. Theirs was a desultory, not a combined warfare; affording, therefore, few opportunities of conferring together upon comprehensive measures of discipline or government. It is not, indeed, improbable that some among that singular series of precepts known to us by the name of Apostolical Constitutions and Canons may have been in circulation before the accession of Constantine the Great;[k] nor is it less probable that some rules of church government and discipline may have been agreed upon in occasional provincial meetings; but of these few were deemed of sufficient importance to find their way into the earlier collec-

[j] See Book I. c. iv. pp. 84 et sqq.

[k] Conf. Book I. c. vi. pp. 139 et sqq. But on this point the opinions of various writers differ widely from each other, *e. g.* De Marca, Dupin, Justel, Abp. Usher, Bp. Beveridge, Bp. Pearson, Van Espen, Baronius, Bellarmine, &c.

tions of the Greek and Latin churches. Every one of those collections is of a date considerably later than the Nicene Council (325). Some of the materials were perhaps of a prior birth; but no opportunity for collecting or arranging them occurred till long afterwards. It is true, however, that immediately after the deliverance of the church from persecution, the more important Christian bodies, especially in the East, held synodal meetings, at which many diocesan and provincial customs touching church government and discipline were settled and recorded. The earliest of these was that of Ancyra in Galatia (A.D. 314), at which twenty-four canons or rules of discipline were published. The term "canon" seems now to have been applied indifferently to all ordinances, whether of faith or morals, of discipline or ritual. In the year following the Council of Ancyra, a synod of the Pontic province was held at Neocæsaræa, where fourteen like canons were promulgated. These meetings were followed in uncertain order, but all within a period of twenty-five or thirty years, by the great Council of Nicæa, and the provincial synods of Laodicæa, Gangræ, Antioch and others, in which numerous ordinances of government and moral conduct were agreed upon. Among these, twenty are ascribed to the Council of Nicæa; fifty-nine to that of Laodicæa; to Gangræ twenty, and to Antioch twenty-five.[1]

Oldest collection of canons, Greek.

Yet the oldest collection of which we have any knowledge dates from the close of the *fifth* century of the Christian era. This code or digest of ecclesiastical law was published to the world by the Abbé Justel, at the beginning of the seventeenth century, from an ancient Ms. entitled "Codex canonum ecclesiæ universalis." It is believed to contain the genuine discipline of the Oriental churches, though the arrangement is somewhat confused. In addition to the canons of the five councils already adverted to, it embodies seven canons of the General Council of Constantinople of the year 381; eight of the Third General Council, held at Ephesus in 431; and twenty-nine of that of

[1] *Art. de vér. les Dates; Hoffmann*, Lex. Univ.

Chalcedon, in 451. The next collection in point of antiquity is that of Theodoret bishop of Cyrus, containing, in addition to all the materials of the former code,[m] eighty-five canons, under the title of "Canons Apostolical," and twenty-one of the Council of Sardica (A.D. 347).

These two very ancient collections were apparently confined, both in point of matter and operation, to the Greek and Oriental churches. The rule of the Latin communion found no place among their contents. The earliest collections of the Western churches exhibit remarkable differences both in respect of the materials of which they are composed and of the order of arrangement. The first of which we have any knowledge was discovered by the French canonist Quesnel, in the library of Oriel College at Oxford.[n] This codex, in the opinion of the most competent scholars, was a Roman compilation, intended for the use of the Latin churches only. It consisted of sixty chapters, each divided into heads or canons. It is not supposed to be before us in its earliest edition, which is believed to have contained no other matter than the Nicene canons written in one succession of numbers with those of Sardica, probably as exhibited by Pope Zosimus to the African synod.[o] In the extant edition the work is swelled by the insertion of the decretals of successive Roman pontiffs, together with the African councils, neither of which classes of material are found in any of the Greek collections. The Nicene canons, in their spurious conjunction with those of Sardica, form the first chapter of this codex. The second chapter consists of the Carthaginian canons, believed to have been added in the pontificate of Innocent I. (A.D. 405). Zosimus, it is thought, added a series of chapters, containing the enactments of the earlier Greek councils. After this the collection was enlarged by the addition of

Oldest Latin collections.

[m] With some slight variances; for instance, it inserts only six canons of the council of 381, and twenty-seven instead of twenty-nine of Chalcedon.

[n] The discovery occurred about the year 1675. The Ms. is probably of the eleventh century, and purports to have been transcribed from a more ancient Ms. Two other copies afterwards turned up—one in the library of the celebrated De Thou, the other in the monastery of St. Vedast, at Arras in Artois. They are all of different ages, and free from every suspicion of having been copied from each other.

[o] Conf. Book II. c. ii. p. 300.

all the acts and correspondence arising out of the great Pelagian controversy under Innocent I. and Zosimus. These are followed by four *decretal epistles* of the former pontiff, in which it is said that he, by the advice and with the assistance of his bishops Exuperius, Victricius, Ducentius, and others, *explained* and *affirmed* many important principles of church-government, accommodating them to the general rule of ecclesiastical discipline, more particularly with a view to their *agreement with the Roman form.* But the more remarkable additions were inserted some time afterwards by Pope Leo the Great, comprehending the acts of the Council of Chalcedon (451), chapters xxv. to xxviii., and the *decretal epistles* of Pope Siricius, with the rescripts of Ambrose, those of Zosimus, Boniface I., and Cœlestine, forming chapters xxix. to xxxvi. After the age of Leo the Great an appendix was added, containing (1) a narrative of the Eutychian, or Monophysite, controversy, and of the proceedings against Dioscorus and Acacius,[p] with the decretal epistles of Popes Simplicius, Felix II., and Gelasius, supposed to have been inserted by the last of these pontiffs; and (2) the canons of five earlier Greek councils (Ephesian, Antiochian, Laodicæan, Constantinopolitan, and Thelensian), omitted in the preceding chapters. The whole subject-matter of this codex falls within the fourth and fifth centuries of the Christian era.

Departure from the principle of church-legislation.

In this code we notice an unmistakable departure from the original principle of church-legislation. The Greeks, in conformity with primitive practice, admitted no binding rule but that of synodal enactment. The introduction, therefore, of decretal and other private writings into an operative code of ecclesiastical law stood in direct contradiction to the acknowledged prerogative, and in a riper age of legal reason must have been construed as an act of treason against the supreme authority of the church-catholic. Whatever view may have been taken by the canonists of the fifth century, it is clear that from the first years of that age the Latins had endeavoured to

[p] Conf. Book III. c. i. of this work.

exalt the powers of their pontiffs and the doctors of their communion to a level with those hitherto exclusively exercised by the councils of the church. The introduction of papal decretals into a code intended to be of catholic operation without catholic consent, had the necessary effect of placing the incidental opinions or resolutions of the bishop of Rome upon a level with the law of the church-universal. And when it is considered that as long as the distinction between the two authorities kept its hold upon the Christian mind, Rome could not hope to maintain successfully the exceptional prerogative of St. Peter's chair, we can be at no loss to assign a general motive for this daring breach of the first principle of church unity.

Rearrangement of the Latin code by Dionysius Exiguus.

But this code was soon found to be insufficient for the purposes of the Latin doctors both in point of arrangement and completeness. At the solicitation, therefore, of certain Roman divines, Dionysius, surnamed Exiguus, a Dalmatian Greek, undertook to render into Latin and to rearrange all the materials of an authentic character to be collected from Oriental and other extant sources of ecclesiastical law. He collated and combined the collection above described with the earlier Greek codices; he restored the several subject-matters to their natural or chronological order, giving precedence to the canons of the earlier councils, and omitting a good deal of matter that appeared to him not to bear the proper impress of public law. Whether he regarded the decretals and patristic writings, which formed a part of the original code, as falling within the description of directory rather than imperative law, may be uncertain; at all events, that class of writings found no place in the proper "Codex Canonum Ecclesiasticorum" of Dionysius Exiguus, but were supplied by him in a separate collection, beginning with the decretal epistles of Pope Siricius (A.D. 384 to 398), and ending with those of Felix II., who died in the year 492. In the state in which he left this latter collection the Latins discovered two material defects. In the first place, many decretals falling within the pe-

riod chosen had been omitted; and in the next, no account had been taken of still earlier documents of the same nature, and of an alleged authenticity at least on a level with those he had selected for publication. After his age, therefore, these omissions were, at different times from his death to the year 731, supplied by the insertion of the decretals of Pope Sylvester and his successors to Siricius (A.D. 314 to A.D. 384), a term of seventy years; thus carrying back the collection to the establishment of the Christian religion, and imparting to it a character, in point of origin and antiquity, upon a level with that of the most ancient among the recognised canons of the church-catholic.[q]

Inconvenience of the Dionysian code.

But the material defect of the code of Dionysius was, that it exhibited an awkward distinction between the properly ecclesiastical and the pontifical law. The compiler had distributed the two kinds of matter in separate codes; an arrangement suggesting a difference offensive to pontifical pretension. Whether Dionysius himself intended the fusion of the two codes which afterwards took place, may be doubtful; not so, however, that he desired to make his double work as palatable as possible to the Roman pontiff.[r] However the matter may stand, the two collections soon became fused into one another, and in this form superseded the more ancient code. And in this state it remained through various editions, down to the publication of the false decretals of Isidore Mercator

[q] The "Codex Canonum Ecclesiasticorum" of Dionysius Exiguus, in its complete state, contained the following documents:

1. Canons Apostolical, of Greek origin, reduced from the 85 "Canons Apostolical" of Theodoret 50
2. Canons of Nicæa, translated from the Greek 20
3. Canons of Ancyra, likewise from the Greek code 24
4. Canons of Neocæsaræa, from the same code 14
5. Canons of Gangræ, from the same 20
6. Canons of Antioch, from the same 25
7. Canons of Laodicæa, from the same 20
8. Canons of Constantinople II., from the same 3
9. Canons of Sardica, from the Latin code, but separated from those of Nicæa 20
10. Canons of the African Councils, from the same . . . . —

This code was published from a Ms. in the Clementine Library at Rome, by the canonist Justel, about the beginning of the seventeenth century.

[r] See *Van Espen*, Op. tom. iii. dissert. v. § e, p. 20.

in the ninth century; a work which furnished the keystone to the decretal scheme, and cast the body of antecedent ecclesiastical law into the shade.

It will now be expedient, even at the risk of repetition, to characterise at some length the systematic dealing of the pontiffs of Rome with the canons of genuine ecclesiastical deliberation, as recorded in those earlier Greek codes to which reference has already been made.

1. Our first remark is, that the canon-law, properly so called, had made no provision for the extraordinary prerogative of St. Peter's chair. This defect was supplied by a falsification of the sixth canon of the Council of Nicæa.[s] By favour of the prefatory words appended to that canon, it was open to Rome to contend that the fathers of Nicæa, not feeling themselves at liberty to sanction any regulation derogatory to the *preëxisting* prerogative of the chair of Peter, had, with a view to avoid any misconstruction of that nature, prefaced their canon with a general declaration of the primacy of the holy see. The error was, as we have seen,[t] detected and exposed by the African churches in the year 422; but was persevered in, and reasserted on the authority of the spurious Latin version, at the great Council of Chalcedon in the year 451. Interpolations of the canons.

2. This interpolation, whether premeditated or accidental, was followed by a similar dealing with the resolutions of the equivocal Council of Sardica. The canons alleged to have been promulgated by that synod were either rejected or absolutely ignored by the Greek churches. None of the codes from which Dionysius Exiguus compiled his digest contained them; nor are they to be found in the older "Codex Universæ Ecclesiæ" of the Abbé Justel. Though inserted in the ancient collection attributed to Theodoret, they are there read under the name of Sardica, and unconnected with the canons of any preceding synod. The Greek churches never deemed them

[s] By the interpolation of the words, "ista Romana ecclesia semper habuit primatum." Conf. Book II. c. v. p. 400.

[t] Conf. Book II. c. ii. pp. 307 et sqq.

worthy of attention or respect, nor gave them any place in their operative collections of ecclesiastical law. The Latins, however, perceived their importance to the interests of Rome. The exceptional jurisdiction they conveyed might confirm and strengthen the claim to the perpetual primacy entertained by the pontiffs under the interpolated canon of the Council of Nicæa; and in this way we may account for their having found their way into the earlier Latin code as the sequel of the canons of that council, and thus receiving the spurious impress of œcumenical consent.

Suppression of canons.

3. Though useful and profitable, the method of interpolation was no sufficient check upon conciliar intrusions. That of suppression might be resorted to to keep out of sight obnoxious ordinances; while the bolder course of open rejection might, on special occasions and under favour of peculiar circumstances, afford a more effectual means of defence against the inconvenient interference of the church legislature. In examining the Greek and Latin codes, it is found that the latter altogether omit the third canon of the second general council. That canon, it will be remembered,[u] placed Constantinople in the position of equal power and privileges with the other great patriarchates. The bishops of Rome, however, steadily declined to acknowledge the validity of any privilege that might favour the intrusion of the more modern capital upon the older sees of Christendom; and the pretensions of Constantinople were repudiated by Pope Innocent I., upon the plea that no other canons but those of Nicæa—probably in their spurious conjunction with those of Sardica—were known to the church-catholic.[v] The older statute was construed as a bar to the more recent enactment; and Pope Boniface I. boldly denied the rank of Constantinople, though formally reaffirmed and entered on the statute-book of the state by Theodosius II.[w]

4. The bolder course was followed by Pope Leo I. at

[u] Conf. Book II. c. i. p. 257 of this work.

[v] Conf. Book II. c. i. p. 276 of this work.

[w] Conf. Book II. c. v. pp. 389, 390, and note (ε).

the Council of Chalcedon. As soon as his legates heard mention of the iii[d] canon of the second general council, they slipped nimbly aside, and held up their spurious version of the vi[th] canon of Nicæa as a shield of proof against the rival pretensions of Constantinople; they denounced all prior grants of privilege as unknown to Rome, and repudiated the alleged canon as having no place in the records of the church.[x] But the protest was unavailing; the xxviii[th] canon received the unanimous assent of the council, and no course was now open to the pontiff but that of peremptory rejection. No pope expressed with more lucid acrimony his contempt for all jurisdiction or authority not based upon the leave and license of the chair of Peter. He affirmed that the acts of the second general council had never received the sanction, or had even been brought to the knowledge, of the holy see;[y] he therefore, by virtue of the "ever-living power and superabounding authority" vested in him,—not, he declared, by any conciliar grant, but by the word of the God-man Christ himself,—altogether quashed and repudiated the said ordinance.

Rejection of canons.

5. The practices of interpolation, suppression, and rejection, in the treatment of adverse canons, have been defended by the canonists upon grounds to which we shall hereafter shortly advert. But, previously, it will be proper to direct attention to a far more comprehensive claim advanced by the church of Rome,—namely, that of legislative authority, imputed to the chair of Peter by virtue of an original divine grant, and operating not only to supersede all other law, but to empower her to enact new ordinances and regulations of universal obligation; consequently to

Self-imputed legislative power.

[x] After the adoption of the xxviii[th] canon by the council, the legate Lucentius is reported to have entered his protest in these words: "But in accumulation of wrong to the Roman church we add this, that *setting aside* the constitutions of the 318 fathers (of Nicæa), certain canons are now put forward *purporting to have been made* by 150 bishops at a synod held some eighty years ago, but which canons *are not even to be found* on any canonical register of synodal acts," &c.

[y] This was obviously untrue. In the then entire state of the empire, it is inconceivable that Rome should not have had the fullest notice of the enactments of a general council held by the orthodox Theodosius I. for the settlement of an important question of dogmatic theology. See Book II. c. i. pp. 253 et sqq.

add to the ecclesiastical code such decrees as should be deemed requisite to the completion of her own peculiar scheme of government. Pope Leo the Great and his successors had, it clearly appears, persuaded themselves that the obligation of general law, as it affected the Roman see, was *not imperative,* but *simply adoptive;* and that, in the process of adoption, that law was susceptible of any changes that might be necessary to reduce it to conformity with the scheme of papal prerogative. This process might, indeed, be presented to the world as a simple reduction of conflicting laws to a more uniform and practical system; though in its nature and operation it amounted to a rejection of every restriction upon her own right to make laws for the Christian world. The principle of the primacy included in itself the right to declare its own privileges, to define and register its own laws and customs; and these were now to be found, not so much in any body of canons, as in the occasional decrees, decisions, and rescripts of the pontiffs. Copies of these documents were laid by in the Roman archives to serve as legislative precedents emanating directly from the chair of Peter, and clothed with all the sanctity of such an origin. This scheme of law, when referred to by the pontiffs in their correspondence with other churches, passed, as we have seen, under the various names of "Decrees of the Fathers" (Decreta Patrum), "Constitutions of the Fathers" (Patrum Constitutiones), "Synodal Institutes" (Synodalia Constituta Patrum), "Traditions of the Chair of Peter," "Rules and Regulations of the Fathers," and other terms of the like import, comprehending in the aggregate the decretals of popes, ordinances of the pontifical councils, and other synodal acts, from time to time adopted by Rome, and deriving their legal force from the act of adoption alone, apart from the sources whence they might chance to be derived.[z]

Fusion of adoptive with pontifical law.

[z] Conf. Book II. c. v. pp. 410, 413; Ibid. c. vi. pp. 436, 438, 439, 441, 442, summed up in § 12, c. vii. of that Book, p. 456; Book III. c. i. p. 14; Ibid. c. ii. pp. 47, 48, 51, 54, 58; Ibid. c. iii. p. 111; Ibid. c. iv. pp. 139, 140; Ibid. c. vi. p. 208, and c. vii. p. 230. And see particularly Book IV. c. iv. p. 330, the council of Herudford, in which the "book of rules and orders in ancient

But after the publication of the collection of Dionysius Exiguus it might no longer be safe to quote the Roman version of the vi[th] canon of Nicæa on behalf of the Petrine primacy; the spurious conjunction of that canon with those of Sardica must now be abandoned. But these outworks of the Roman fortress were no longer of any serious importance. The Western churches had for the most part accepted the "Aperta Synodalia Constituta" of Rome, and become accustomed to regard the pontifical decretals as law. Dionysius had inserted some of these; but subsequently many others were enrolled, which swelled out the bulk of the collection till the proportion which the canons of synodal or œcumenical origin bore to the whole body became really inconsiderable. By about the middle of the eighth century the series of decretals embracing the whole period from that point of time to the reign of Constantine the Great was tolerably complete. But how if it could be carried still further in the direction of primitive antiquity?—how if the decretal code could be traced up to the apostle Peter?—if all the essential prerogatives of his chair could be extracted from the mouths of the inspired teacher himself?

Papal decretals supersede the canons.

But until the successful attempts of Boniface and Wilfred and their Anglo-Saxon coadjutors in France, Britain, and Germany, to introduce the decretal law of Rome into the wide regions of the North, there was no reasonable prospect of overcoming the lingering predilection for synodal legislation in the southern sections of the Latin communion.[a] We find, in fact, that the intelligent glance of Pope Gregory the Great had detected this weak point in the prerogative of his see. He dropped almost altogether the

Gradual process of the fusion of canon and decretal law.

times decreed by the fathers, *and adopted by the church of Rome*," was imposed upon the Anglo-Saxon churches. Also the introduction of the "holy traditions of the catholic and apostolic see of Rome"—"the whole apostolical and *canonical* tradition"—among the Franks, Book IV. c. v. pp. 362, 364, 366.

[a] The fate of the decretals of Pope Pelagius I., in the middle of the sixth century, against the Italian schismatics, seems to prove that at that period the Christian world was not prepared to allow the papal decisions any force or effect in opposition to the decrees of a general council of the church. See Book III. c. v. p. 167.

masterful tone assumed by his predecessors; he yielded the legislative equality of the pastors of the church; he saw that the canons of the church-catholic could do no more for the bishop of Rome than to place him in the position of "primus inter pares." In this disposition, he renounced the proud title of "universal pope;" he admitted that the extraordinary powers of St. Peter's chair lay beyond the purview of ecclesiastical legislation, and that they could not be reduced under any head among the recognised ordinances of the great ecclesiastical senate.[b] But the candid spirit of that great pontiff had no abode in the minds of his successors. From that time forward every fragment of decretal or popular tradition was diligently sought for, and anxiously registered among the title-deeds of the papacy in affected conjunction with those acts of the great Christian senate which might find a safe corner in the operative code of ecclesiastical law, and which might by that conjunction impart to the rest the whole sanction with which the acts of the church-catholic were popularly believed to be invested.[c] In this way the absence of any real communion between the two sources of ecclesiastical law might be veiled from profane scrutiny, and a practical advantage might be gained which would more than compensate for the sacrifice of the treacherous canons of Nicæa and Sardica.

Result.

The result fully answered the anticipation. By degrees the terms "canon" and "canonical" dropped their original meaning. Theretofore a canon was a short rule of some council or synod; but now, when the canons are alluded to or quoted, we fully

[b] It might perhaps be suggested, by way of modification of the judgment passed in Book III. chap. vi. p. 209 of this work, upon the language of Gregory in the contest with Cyriacus of Constantinople, that, after all, he may not have conceived the extraordinary powers claimed for the see of Peter to amount to a right to legislate for the church-catholic, or to set up the prerogative of his chair as paramount to synodal action. And I am inclined to think his language on that occasion amounts to little more than a claim to a veto upon measures he might deem prejudicial to the interests of religion, or the just precedence of the first see of Christendom. An unrestricted veto must, however, either deprive the community of all law, or ultimately transfer the legislative power into the hands in which the veto is lodged.

[c] Every article that appears in a common statute-book partakes of the same authority; no one law appearing in any operative code can be said to possess a more binding effect than another. All are equal in the eye of the judge or administrator.

understand that something very different was meant from those sententious maxims in which the substance of general conciliar deliberation was conveyed. When ecclesiastical laws are referred to in the papal correspondences, there is a studied confounding of the pontifical acts with those of the church-catholic. Rome cast away all distinction between canons and decretals. All that appeared upon her registers was to be regarded *as equally canonical*, and of equal force for any purpose to which, in virtue of the prerogative of St. Peter's chair, she might think fit to apply it.

Trials of pontifical law —In Spain.

It should, however, not be forgotten that the growth of the code of Roman church-law was gradual, and its promulgation all along of a cautious and tentative character. It was tried in many ways, and on many occasions, upon the temper of the outlying churches; and it may not be uninteresting shortly to trace its reception in one or two of the principal branches of the Latin communion.

It may be remarked at the outset that the Greek church, though on several occasions it gave to the acts and epistles of popes a place upon their own registers of ecclesiastical law, the act was always strictly spontaneous. Thus when they embodied the celebrated letter of Leo the Great upon the Incarnation in the records of the Council of Chalcedon, they adopted it upon its intrinsic merits, and not because it was written by the pope. A somewhat different course was pursued by the churches of Spain and France. With regard to the former country, we learn that the churches possessed a collection of their own, consisting, *first*, of the acts of the general councils of the church—probably those of the first four general councils only; *secondly*, of the acts of particular provincial synods; *thirdly*, of certain selected acts of foreign councils; and *fourthly*, of a few synodal epistles of popes addressed to themselves.[d] As to the

[d] The oldest extant Spanish code is that of Martin of Braga (Bracarensis), compiled towards the close of the sixth century. Martin was a Pannonian by birth, and is believed to have derived the principal materials of his collection

latter class of documents, there is no reason to believe that they were treated with any greater reverence than any other solemn acts of foreign churches of their communion, or that the adoption took place in any other way than in the spontaneous exercise of a deliberate judgment upon their merits. We have seen them by one and the same act repudiate the mandates of two popes,[e] and even decline to enrol the proceedings of a general council among their own laws without an independent inquiry into the legitimacy of the convocation. From the age of Martin of Braga down to the extinction of the Visigothic monarchy in the year 712—nearly a century and a half—the records of the Spanish councils notice very few communications from Rome; and judging from the temper displayed in their treatment of the anti-monothelite or sixth general council, it is improbable that they accepted any papal decretals not in strict harmony with their national discipline.[f]

In France, to the ascendency of Roman law.

The Gallic, like the Spanish churches, had their own collections, consisting principally of the earlier Greek canons, to which were appended the ordinances agreed to at their own general or provincial assemblies. But from the mode of enactment it necessarily happened that these codes differed from each other in different parts of the kingdom. In the Arelatensian province, for instance, the African councils were known and received, and the decretals of the popes enjoyed high consideration.[g] Beyond those provinces the Roman traditions are not believed to have been in any great credit. Boniface, the so-called apostle of Germany, clearly intimates that previously to the

from the Greeks. His death is dated between the years 572 and 580. See *Moreri*, in voc. "Martinus Bracarensis."

[e] Leo II. and Benedict II. See Book IV. c. ii. pp. 276 et sqq.

[f] Gregory the Great enjoyed higher credit and influence in the Spanish churches than any pope before or since. This was due as much to his noble personal character as to the then recent admission of the Visigoths into the Latin communion. After that the intercourse between Rome and Spain became so languid as to afford few opportunities for the exercise of Roman influence, excepting that which occurred in the year 681, as in the preceding note.

[g] Observe that at the trial of Contumeliosus bishop of Riez the appellate jurisdiction of Rome in the so-called "causæ graviores" was admitted upon the decretal authority.

synods of Leptines and Salzburg and Soissons, in the years 743 and 744, the "Decreta Pontificum" were not generally received as of canonical authority in the Frankish kingdoms.[h] The several collections in ordinary use were not ratified by any general synod; but were in most respects of a private character, and consisted of rules or canons of particular churches, enacted, borrowed, or adopted as occasion required. The greatness and reputation of the sources was always a sufficient reason for such adoption; and the compilers would be apt to look to Rome, as the principal church, for what they most wanted. For the like reason, Rome was often permitted without contradiction to supply from her own rules the poverty of the outlying churches; and in this way her regulations and orders might slip into the national registers in such wise as to account satisfactorily for the appearance of certain decretal documents in these registers, without supposing that either the older Latin code or the more recent Dionysian collection had obtained general currency, or been adopted as the national code of the Gallic churches.[i]

Boniface establishes the credit of Roman ecclesiastical law.

But after the declaration of conformity to the Roman form published by Archbishop Boniface in the years 744 and 745, it is no longer a matter of doubt that the decretal law of Rome had made great advances in France, though it may not at once have superseded the more ancient codes then in use. Boniface had published a book which he calls the "Book of the Canons of the Roman Church."[j] We think it not

[h] Conf. Book IV. c. ii. p. 287. It may be presumed, however, from what took place at a synod held at Orleans in the year 538 respecting the election of metropolitan bishops, that the authority of papal decretals was occasionally referred to in difficult cases. See *Van Espen*, Op. tom. iii. dissert. vii.

[i] See the opinion of the canonist *Quesnel*, ap. *Van Espen*, ubi sup. The trial of Archbishop Prætextatus of Rouen may throw some light upon the state of ecclesiastical law in France. The synod assembled by King Chilperich to try the archbishop could not find in their own books any law or canon applicable to his case. The king, finding his enemy likely to escape punishment, sent them a "Book of Canons," described as "Canones quasi Apostolicos,"—probably an extract from the Dionysian code, or some older form of Roman law,—in which they found an applicable canon before then *quite unknown to them*. This seems to justify the inference that towards the close of the sixth century no Roman code was, in its entirety, in their possession or within their knowledge. Conf. *Gregor. Turon.* Hist. Eccl. lib. v. c. xix.

[j] In the synods of Salzburg and Soissons. See Book IV. c. v. pp. 363-367.

improbable that this code was in fact the Dionysian collection, with the addition of all the extant decretals from the age of Constantine the Great to that of Pope Zachary. In the reign of Charlemagne we know that an official copy of this code was sent to that monarch by Pope Hadrian I. From that time it appears to have gradually overborne the several national collections; till, in the middle of the ninth century, it was familiarly quoted as the "Code of the Canons of the Gallic Church," to the exclusion of the more ancient compilations.[k]

Theory of indivisible unity of church and state;

There were, however, circumstances in the position of the hierarchs of France and Germany after the death of Boniface which drew them into still closer connection with Rome. The theoretical unity of church and empire, encouraged by the settlements of Charlemagne and Louis the Pious, had struck root in the minds of the French clergy. On the other hand, the Roman pontiffs were disposed to regard themselves as the rightful patrons of the empire. They believed and maintained that the holy see was the proper source of imperial authority; that it was a power descending lineally from the old Roman empire,—as it were entombed in Rome, and capable of being resuscitated by no breath but that of the bishop and people of the imperial city: there could, they thought, be no emperor without a people to choose, and a pope to crown him. This conception of the papal participation in the revival of the Western empire had, as we have already had occasion to observe, been fostered by the passive demeanour of Charlemagne, his sons and grandson. The former had accepted the crown from the hand of a Roman pontiff, without any reserve of claim or right on his own behalf; and whatever may have been his view of his power to transmit it to his son, that son may seem to have re-

[k] On this part of the subject we have been greatly indebted to the Dissertations of *Van Espen* in vol. iii. of his collected works. We have also met with a little work, containing a digest of canon-law, by M. Durand de Maillans (Lyons, 1770, small 8vo), and found it very useful. Both works are of such easy reference as to render it unnecessary to encumber the margin with many quotations from them.

garded his title as incomplete until ratified by the spontaneous act of Pope Stephen IV. This opinion was fully shared by the Gallic hierarchs of the school of Boniface; and upon it they had, in conjunction with Charlemagne, based their scheme of an inseparable pragmatic union of church and empire, by which they hoped to build up an inseparable barrier against the accumulated evils and dangers, both religious and political, of the age, and to place church and state on one and the same consecrated ground.

But they had now witnessed the overthrow of the settlements of Charlemagne and Louis; and the treaty of partition, concluded at Verdun between the sons of the latter, had fairly dissipated the day-dream of the projectors. Rome had been all along the keystone of the scheme; for she alone could bind the empire to the defence of the church, and seal the connubial union to the one sacred purpose. But there had been from the beginning a want of definitive views of the shares assigned to church and state in the great work of regeneration both on the part of the pontiffs and the secular princes. The latter had never regarded the imperial crown as any obstacle to that absolute right of succession sanctioned by the law and custom of their ancestors. They conceived that high dignity to attach to no particular person; to be the subject of no such heritable right as to give to any one of the emperor's sons a better title to succeed him in the substantial enjoyment of power than any brother, or other prince of the blood-royal, who might stand near enough to the throne to claim, or be strong enough to maintain, his share in the succession. On the other hand, the pontiffs, from Hadrian I. to Gregory IV., had either been ignorant of the steps taken on their behalf in France and Germany, or had never fully understood the drift of the movement set on foot by the Walas, the Helduins, the Adelhards, and the Agobards of the age. The clergy in general as little understood the moral force and value of a settled rule of law; and the secular world roamed at large in a boundless sea of lawless liberty. Those able "fishers of men"

how dissipated.

were alone capable of weaving a net which should silently enclose these wild swarms, and scare them into their own close waters. But now, as far as the secular element of the scheme was concerned, it was obvious that no reliance could be placed upon it. The pope himself had proved how little he comprehended his own part in the game, when he gave his sanction to the rebellion of the sons of Louis the Pious; and it is clear that before the congress of the "Field of Lies" the tactics of the hierarchical party had undergone a complete revolution. The dream of Charlemagne and his spiritual coadjutors had vanished, and the state was now to be transformed into the handmaid, instead of the ally, of the church. The church now filled the whole space over which the experienced gaze of these able men extended; for there alone, amid the chaos of worldly affairs, could a remnant of law or order, a single steady principle of truth and justice, be found.

Substituted scheme.

This disappointment of the hierarchical scheme in one of its principal objects seemed, however, but to stimulate their zeal for the accomplishment of such as might still be within their reach. After the overthrow of the project of incorporate union, the first impulse of the managers was to draw more closely the bonds which united the church as a body to its spiritual chief. Prelates and abbots were easily persuaded that their influence in the state, their wealth, their spiritual and temporal fortunes, depended upon the stability of their position as a constituent estate of the realm; in other words, that their property and privileges would be lost as soon as they ceased to enjoy a large share in the temporal government. The inferior clergy were as easily brought to believe that their exemption from the unhappy lot from which many of them had emerged could be no otherwise secured than by a strong and cordial union under one supreme head; a union springing from the church herself, and claiming the whole divinity of her primitive institution. The terms, therefore, of this union must be brought into harmony with each other; no discrepancy of law or order must be observable; the "tra-

Nature of the substituted scheme.

ditions of the fathers," the canons of councils, the decretals of popes, must all be made to flow from the same source. But there was a lamentable hiatus in the series of documentary proofs by which this divine harmony was to be authenticated. The evidence required to complete the chain of proof could not be carried further back than the pontificate of Sylvester, within the first half of the fourth century. A blank of nearly three hundred years intervened, within which the Roman oracle had delivered no response; the stream of inspiration had to all appearance run dry at its source; the chain of Roman tradition was broken for want of the links requisite to connect it with its divine original.

Impediment to the scheme; how encountered.

A deficiency of so striking a character might well appear fatal to the claim of a direct documentary pedigree from the source of divine right; a claim, it should be remembered, insisted upon by the papacy from the establishment of Christianity as the religion of the state. The Dionysian code in its later editions comprehended, indeed, a large collection of papal decretals; but these documents enjoyed no apparent advantage over the decrees and canons of councils. Archbishop Boniface saw that something more was wanting to complete the union "under one head" than the simple introduction of a Rome-made code of law. He therefore exacted an oath of unreserved obedience to the pope from the reformed clergy of France and Germany. Without such an engagement, there was nothing in the code itself to give a precedence to the decrees of the holy see over those of Ancyra, or Neocæsaræa, or Antioch, or Nice, or any of the numerous and minute ecclesiastical ordinances regulating church-government, defining the powers of the hierarchy, determining the jurisdiction of spiritual tribunals, and settling the rights of the churches. There was, in fact, a law of liberty at hand, grounded upon common senatorial deliberation, which seemed in flat contradiction to the presumed headship of any particular member of the great ecclesiastical republic. But if the title-deeds of such a primacy could be carried back in one unbroken line of tradition to the inspired preachers

of the Gospel; if that tradition could be placed upon an equal footing of authority and authenticity with the Word of God itself; if the world could be persuaded to believe that the lips which had delivered the divine word had in the same breath conveyed to the successor of Peter a perpetual dictatorship over the whole church,—certainly little more could be wanting to impart a divinity to such a representation, against which a legislation that could approach no nearer to the source of inspiration than the beginning of the fourth century would have little chance of success.

Encouragements to forgery.

At the same time, the subjects which the advocates of this scheme had to work upon afforded encouragement to forgery. The character of the age in which the false decretals appeared was unfavourable to the exercise of the moral and rational faculties. Amid profound ignorance and intellectual sloth, the masses of mankind could be gained only by humouring their prejudices or stimulating their fears. They rested their simple faith upon the authority of their teachers; their religious impressions were based upon the idle tales and legends with which they were fed by their instructors, without supplying the discernment or the curiosity necessary to distinguish fact from fiction. Such a state of mental inanition afforded great encouragement to persevere in the diet of legendary grains and husks. A people accustomed to such spiritual food could not thrive upon more nutritive truth; and no moral restraint remained to check the practice of deception to gratify the common appetite. Without a philosophical or a religious conviction of the ultimate expediency of strict veracity in dealing with mankind, it is difficult to persuade even the better class of moral agents that a minor evil may not be perpetrated for the attainment of a greater good. And the difficulty in such cases of forming a sound judgment upon any proposed course of conduct is enhanced by the conscious absence of any merely selfish or personal motive in the actor. The design upon which the contrivers of the false decretals proceeded was of a common and corporate character, bringing no

immediate advantage to the hand which executed it, and had therefore nothing in it of that sordid taint which might offend the taste or alarm the conscience of the fabricator. The end in view was, in his mind, desirable, expedient, indispensable to the maintenance of a principle interwoven with his religious existence, viz. the union of the church under one supreme head in the terrestrial kingdom of Christ, in the same sense, and in the same degree, as that in which she stood under the one supreme head in his celestial kingdom. In the balance of mere consequences, what proportion could the evil to be committed bear to the good to be gained? It did not cross his mind that the end itself was open to serious objection.

Probable date and origin of the Isidorian forgeries.

The date of the fabrication is not certain. No trace of the Isidorian forgeries is discoverable in any code or compilation of ecclesiastical law prior to the year 833. It is said, indeed, that they were known to Pope Hadrian I., from a copy he is reported to have received from Ingelram bishop of Metz, about the year 785. But it must remain doubtful whether Hadrian knew any thing about them; more particularly as the code of the Roman ecclesiastical law presented by him to Charlemagne ten years before did not contain them.[l] It has been hitherto commonly believed that they were introduced from Spain by Ricculph archbishop of Maintz, who followed Lullus, the successor of Boniface, as primate of Germany. That prelate, it is said, brought a copy of a codex of ecclesiastical law from Spain bearing the name of Isidorus Mercator, or Peccator.[m] To this collection was appended the name of the celebrated St. Isidore of Seville, who died about the year 636; and among its contents was found a series of decretal epistles of the bishops of Rome, commencing with Clemens Romanus, and ending where the series of genuine decretals begins, consequently filling up the whole interval between the apostolic age and the earlier series of

[l] Conf. *Fleury*, H. E. tom. ix. p. 506.

[m] The latter is probably the better reading. It was not uncommon for prelates and churchmen, by way of self-humiliation, to subjoin the epithet "Peccator" to their names. The epithet "Mercator" may have slipped in by error of the transcriber.

Dionysius Exiguus. Without, however, denying that some such code was imported by Ricculph, there is no proof that that code contained the forgeries in question; consequently all the learning and ingenuity brought to prove the code of Ricculph to have been itself a forgery founded upon the more ancient collection of Isidore of Seville has been thrown away. We have little doubt that a collection of the canons of councils, containing possibly such of the genuine decretals of popes as had received the sanction of the Spanish churches, was introduced to the church of Maintz by Archbishop Ricculph about the time in question. The circumstance was of a nature to suggest to the authors of a scheme like that of the false decretals the idea of inserting their fabricated series into a body of genuine church-law, and thereby of imparting to it an equivalent authority with the rest, and passing it off upon the Christian world under the name of the great prelate by whom the code itself was believed to have been compiled.[n]

The Roman pontiffs ignorant of the forgery;

It is indeed extremely improbable that, if the existence of these important title-deeds of papal prerogative had been known to Hadrian I., or to his successors Leo, Paschal, and Eugenius, down to the appearance of Gregory IV. on the "Field of Lies," a period of nearly fifty years, they should have been in no single instance quoted or even alluded to in the ecclesiastical transactions of that age. It is beyond doubt that the code produced to the latter pontiff by Wala and Paschasius, which we suppose to have been the interpolated collection of Ricculph, took him completely by surprise, and that he was previously absolutely ignorant of its comforting contents. This fact is inconsistent with the supposition that the Roman pontiffs had any share in the fabrication; and almost equally so with the notion that the false decretals were of a date greatly anterior to the occasion upon which we first hear of them.

[n] *Van Espen* (tom. iii. dissert. i. p. 452 of his collected works) seems to take it for granted, though without proof, that the whole series of spurious decretals was concocted in Spain, and brought in that state into Germany by Ricculph. Hincmar, archbishop of Rheims, believed them to have been a part of the genuine code of Isidore of Seville. Id. ibid. p. 450.

But from that moment to within two centuries of our own age they took their place as part and parcel of the ecclesiastical law of Rome, and are familiarly quoted by her pontiffs as that body of sacred tradition upon which the prerogative of St. Peter's chair might repose with implicit confidence. but immediately adopt it.

Our belief, therefore, is, that the popes of Rome were the willing dupes of the imposture;[o] that the Isidorian forgeries were of a date not long antecedent to their first appearance and adoption; that the code of Ricculph afforded the vehicle for giving them currency in the church; and that the materials for their composition were supplied by the series of decretals contained in the code of Dionysius Exiguus and its various editions, together with those deposited in the French and German churches by Boniface of Maintz and the clergy of his school during the reigns of Pippin, Charlemagne, and his sons; all which churches, it will be remembered, had been settled by their founders upon a strictly papal basis.[p] The Germanic churches of Maintz, Bremen, Fulda, and Salzburg had assiduously cultivated and propagated the tenets and the zeal of their founder. The provinces assigned to their metropolitans were almost wholly embraced in the dominions assigned to Louis the German by the treaty of Verdun. These prelates had always retained an intense predilection for the theory of a pragmatic union of church and empire uppermost in the minds of their founders and their disciple Charlemagne. After the dissolution of that scheme, they became even more anxious for every scrap and fragment of tradition that might strengthen the hands of Rome, and impart to the chair of Peter the freest and most uncontrolled movement. With these facts in view, we entertain little doubt that It originated in the school of Boniface of Maintz.

[o] "Ne quis," says the zealous Baronius (ann. 865, § 5, p. 17), "calumniari possit ab ecclesiâ Romanâ aliquid hujusmodi commentum esse." Some ultra-Protestant might, however, be tempted to ask, What church had the same facilities for detecting the imposture, had it so pleased? What church so largely and so zealously profited by it? And why does not that church, now that it is abundantly detected and exposed, hasten to expunge every scrap and trace of these iniquitous falsehoods from its statute-book?

[p] Conf. Book IV. c. v. pp. 366 et sqq.

the authors of the false decretals are to be sought in the churches of Germany, and that they made their appearance at a moment the most critical to the interests of the party which first exhibited them.[q]

Advantage derivable from these forgeries.

But apart from all speculation about the precise time and occasion for the appearance of these forgeries, we remark that there was at this moment an imperative call for some extraordinary exertion on the part of the well-wishers of the see of Rome.[r] There is no doubt that under the princes of the house of Pippin the Short the *spiritual* influence of the popes had declined, while their political and territorial power had been on the advance. The efforts of Boniface to quell the independent spirit of the Gallic clergy had met with no distinguished success. He had failed in wresting the appointments to the highest ecclesiastical dignities out of the hands of the lay princes and nobles; and had been reduced to a miserable compromise to save the claim of the principal churches in France to their alienated revenues.[s] Nor had he been more successful in his endeavours to give to Rome a potential voice in the government of the Frankish or the Germanic churches. The thoroughly secular character of the princes; the dependence of the papacy upon them for de-

[q] This was also the opinion of the celebrated *Blondel*. The same facts led the writer of this work to the same conclusion without any previous acquaintance with his work. *Van Espen*, however, leans to the opinion that the forgery proceeded in its complete shape out of the Spanish workshop. But we think this opinion inconsistent with the well-known spirit and practice of the Spanish churches. In that church the views of church-government disclosed by the false decretals could never have met with encouragement enough to make it worth while to commit the forgery there. Conf. Book IV. c. ii. pp. 276 et sqq. It may be added, that the depressed condition of the Spanish state and church in the eighth century is hardly consistent with the existence there of any school of canon-law from which so elaborate a text-book of pontifical polity could have proceeded.

[r] The Jesuit Christian Wolf thus describes the actual state of things as it regarded the interests of Rome: "In that age the majesty of the apostolic see and all ecclesiastical government was greatly depressed; in Gaul and Germany by the Franks (laity), in Italy and Illyria by Lombards and Greeks, in Spain by the Saracens. Therefore, with a view to restore the papal authority and the decaying discipline of the church, some *pious* sons of the church—I know not who they were—concocted certain decretal epistles under the names of the ancient pontiffs of Rome; and these are the documents we now call the collection of Isidore Mercator." Though the chronology of this extract may not be very correct, the description is not far from the truth. Wolf evidently supposes the forgeries to have been of an earlier date than that we have assigned to them.

[s] Conf. Book IV. c. v. p. 367.

fence against its numerous enemies, foreign and domestic; above all, the eager pursuit of temporal dominion,—had tended to enfeeble the spiritual influence of the pontiffs, and to divert them from those ecclesiastical principles which must always be the only durable foundation of a power such as theirs. To these principles they had to be brought round by their friends at a distance, whose hierarchical views happened to coincide with the true and natural interests of pontifical government.

Drift of the forgeries.

And, in truth, a glance at the productions of the pretended Isidore might point out to them a broad path, not only to the recovery of their religious power, but to the establishment of a principle of government which should bring within their reach almost any amount of wealth and territorial acquisition they might desire. The address of the fabricators to their patron might have run thus: "Your cause and ours are the same: in the actual state of political affairs, you, like ourselves, cannot hope to keep what we possess but by obtaining all we can: you have now no Pippin or Charlemagne to endow you with the spoils of your enemies, or to defend you against the host of greedy neighbours and seditious subjects by whom you, like ourselves, are surrounded. We, on our part, acknowledge that the great principle of church-union under the throne of Peter is our only security for the rank, estate, and consideration we hold in the world. The late division of the empire must scatter us and the whole system of ecclesiastical dominion to the winds, unless we make your see our rallying-point; therefore it shall be our task to exalt you above the hostile powers of the world: let it be yours to place us beside you on the throne, and to raise us to the like dignity and immunity to that to which we shall have raised you. Read, therefore, and ponder the heaven-sent title-deeds of your supremacy which we present to you; adopt them boldly; maintain them firmly; suffer no one to dispute or cavil at them: enrol them among the firmest muniments of your see, and be silent as to whence they came and how they were brought to your knowledge."

How treated and acted upon.

And in this spirit these forgeries were adopted; thus precisely were they acted upon. No syllable of doubt was allowed to rest upon them for a period of six or seven centuries, till the progress of knowledge and the light of criticism fell upon them, disclosing at a glance all their manifold infirmities, and inspiring wonder how so clumsy a fabrication could so long have deceived the Christian world. Then indeed, though slowly and reluctantly, the papacy renounced them in their objectionable form, while reserving to itself all the benefit to be derived from them. They were, with ostensible alacrity and candour, divested of the veil which disguised them; but the substance was retained as the emanation of pure ecclesiastical tradition, obscured, it might be, but not contaminated, by the injudicious garb in which those pious sons of the church had dressed them out to suit the taste of a semi-barbarous age.[t]

[t] Conf. *Baron.* ad ann. 865, §§ v.-viii. pp. 17, 18.

CHAPTER VII.

ANALYSIS OF THE FALSE DECRETALS.

Motive for the publication of the code of Isidore Mercator — Its object, to give equal authority to decretal and canon law—Scope of the fabrication—Emancipation of the clergy from secular responsibility—Material of the imposture; the intent—The pontificate an office emanating *immediately* from Christ—Reduction of the metropolitan courts to mere commissions of inquiry—Original jurisdiction in ecclesiastical causes transferred to Rome—Right to annul ecclesiastical decrees — Perfected theory of the cathedra Petri — Provision against the interference of secular princes—Exaltation of the priesthood—The Christian ministry invested with a sacerdotal character—The priest and the sacrifice—Transubstantiation broached—Paschasius "de corpore et sanguine," &c. —Relation between clergy and laity in the false decretals — The clergy are *the church* — The clergy not amenable to the laity — The clergy exempt from the operation of secular law—The collegiate life—The "vita communis"—Unity of the clergy under one head—The laity the enemy to be subdued—The bishop the ambassador of God — The bishop above all secular censure — Imputed immaculacy of the church and her ministers — The accuser of a bishop, how to be treated—The accusation of bishops to be made very difficult—Exclusion of testimony against a bishop — Difficulty of the prosecution — Accusation of a priest — Special provisions to secure the clerical immunities — Metropolitan government—Diminution of the metropolitan power—Original jurisdiction of Rome in all *causæ majores*—Delegated jurisdictions; how restricted—Ultimate reservation to the holy see—Drift of these provisions—Ultimate design of the decretalists.

Motive for the publication of the code of Isidore Mercator.

THE *motive* for the publication of the code known by the name of Isidore Mercator is thus stated by the authors themselves: "Many good Christians," say they, "are reduced to silence, and compelled to bear the sins of others against their own better knowledge, because they are unprovided with *documents* by which they might convince ecclesiastical judges of the truth of what they know to be the law; seeing that though what they allege may be altogether right, yet it is not heeded by the judges unless it be confirmed by *written documents*, or by recorded decisions, or made to appear in the course of some known judicial proceeding."

The *object* of the compilation is thus stated. After enumerating the antecedent contents of their code, they add, "We have likewise inserted the decretal epistles of certain apostolic men,—that is, of Clement, Anacletus, Evaristus, and others their successors, as many as we have been enabled to find, *down to Pope Sylvester;* after these we have annexed the rest of the decretals of the Roman prelates down to St. Gregory (the Great), together with certain epistles of that pontiff; *in all which, by virtue of the dignity of the apostolic see, resideth authority equal to that of the councils:* so that, the discipline of the ecclesiastical order being thus by our labours reduced and digested into one body of law, the holy bishops may be instructed in the entire '*rules of the fathers;*' and thus obedient ministers and people may be imbued with spiritual precedents, and be no longer deceived by the practices of the wicked. For many there be who by reason of their naughtiness and cupidity bring accusations against the priests of the Lord, to their great oppression and ruin. Therefore the holy fathers did institute laws, which they called holy canons; the which, however, the evil-minded have often made the instruments of unjust charges, or by which they have excused their own wickedness, or even possessed themselves of the goods of the innocent."

Its object,

A remedy, it will be perceived, had to be supplied for the insufficiency of the canons; and that remedy was to be made of *equal authority* and *coextensive operation* with the ecclesiastical ordinances of synodal and conciliar origin. This remedy was to consist of a series of writings, which should be made to appear as a necessary complement to the whole body of canon-law hitherto known to and current in Christendom. The difficulty the compilers had to contend with was how and where to find such writings, and, when found, to impart to them the equal authority which should place them upon the level of the canonical series. They found, however, a large body of decretal epistles and decisions of popes in extant codes, already invested with the force of law; many of them familiarly

to give equal authority to decretal and canon law.

received and adopted by the churches to which their labours were devoted. But in this series there was a hiatus of at least two centuries and a half from the fountain-head of Christian tradition. If, however, this chasm could be bridged over, and the decrees of the chair of Peter be traced up to the apostolic founder himself, all disparity, they thought, must vanish, inasmuch as the authority of the church-catholic could not stand higher than that of the apostle upon whom that church herself was founded.

The *scope* of the fabrication embraced the whole state and condition of the clergy of every rank and order,—their privileges, exemptions, property, personal and possessory immunities,—from the age of the apostle down to the close of the sixth century. It exhibited these privileges and immunities as partaking of one and the same sacred character, and subject to the same laws and regulations, throughout every age of the church; such laws and regulations being all founded upon one and the same original series of precepts, drawn from the living source of inspiration itself.

Scope of the fabrication.

Having established as a fundamental maxim that the decretals of the Roman pontiffs were of equal validity with the laws of the church-catholic, the priesthood was next to be placed upon a footing of perfect irresponsibility to any but their own superiors. It was therefore ordained that no priest could for any cause, civil or criminal, be made amenable to secular law or judicature. Every impediment was to be removed which might stand in the way of a perpetual appeal to the holy see from all other tribunals, ecclesiastical as well as lay; and the synodal jurisdictions were to be curtailed by making a license from the pope necessary to impart the right to assemble, and to give validity to their proceedings.[a]

Emancipation of the clergy from secular responsibility.

The collection of writings intended to answer these purposes consists of supposititious letters of the primitive bishops of Rome, beginning with Clement. In the first

[a] Throughout this analysis of the false decretals Mansi's edition of the councils has been used. See preface to the Isidorian Code, ap. *Mansi*, tom. i. p. 6.

Material of the imposture; the intent.

of the series Clement represents himself as the immediate successor of the apostle Peter, by a public and personal designation to the episcopal office,[b] accompanied by an express transmission to him of all the power to bind and to loose conferred by the Lord upon the prince of the apostles himself, "so that whatever he (Clement) should decree concerning all men and all things upon earth, should be decreed in heaven." After this solemn inauguration, the apostle exhorts him freely to use the powers intrusted to him according to ecclesiastical rule and order, and denounces damnation against all who should fall into contempt of the "power of the keys" placed in his hands.[c] The scene of the inauguration is laid at a general assembly of the Roman church, supposed to have been held very shortly before the alleged martyrdom of St. Peter. Suitably to the first part of the design of the fabricator, the establishment of the *power of the keys* engages his earliest attention. The next point of importance to be inculcated is the *maternity* of the Roman church in her relation to the churches of the West; and with that view, St. Clement is made to announce that, by virtue of his new commission, he has taken measures for sending bishops into all Italy, Spain, Gaul, and Germany, and to every other nation of the West. He moreover directs the immediate institution of diocesan, provincial, and parochial divisions, with a complete establishment of patriarchs, primates, metropolitans, and prelates, accommodated to the civil divisions of the Roman empire.[d] All

[b] Clement is generally believed to have been bishop from the year 91 to 100 of the vulgar era. The martyrdom of Peter is commonly placed in the year 66; therefore twenty-five years must have elapsed between the death of Peter and the episcopate of Clement. The best catalogues fill up the hiatus with the names of Linus and Anacletus, or Anencletus; but in the Isidorian code Anacletus is made the *successor* of Clement.

[c] Ep. i. Clem. ad Jac. Apost., *Mansi*, tom. i. p. 91. See also the address of Peter to the assembled church after the inauguration of Clement as pope of Rome, ibid. pp. 95, 96.

[d] "In illis vero civitatibus in quibus olim apud ethnicos archiflamines eorum, et qui primi legis doctores erant, episcoporum *primates* vero poni, vel *patriarchas*, qui reliquorum episcoporum judicia, et majora (quoties necesse foret) negotia in fide agitarent, et secundum Dei voluntatem, sicut constituerunt sancti apostoli, ita ut ne quis injuste periclitatur, definierent." Clem. ep. i. ad Jac., ibid. tom. i. p. 101. See also *Anaclet.* ep. ii. § 4, ibid. p. 612.

metropolitans and bishops are commanded to carry their causes or disputes in the last resort to the patriarchs or primates. These causes are called indifferently "episcopal causes," "causæ majores," or "summa negotia;" and in all such causes there is an express reservation of jurisdiction to the "pope of the universal church."

This reservation of the right of appeal is grounded upon the maxim that the papal office is an *original institution* of the Saviour in person, from which all other power in the church is simply derivative, and to which it is consequently subordinate. The prerogative of the Petrine chair is described as proceeding directly and personally from our Lord to the apostle, therefore not in any respect the subject of apostolical or ecclesiastical grant, but positive, all-comprehensive, and absolutely divine; incapable of restriction or control by any merely delegated powers like those of the other apostles.[e] Peter is the fountain-head of all ecclesiastical polity, the supreme legislative officer of the church; in his own person paramount to all ordinance; the arbiter and dispenser of law, and the source of all administrative functions. From him and his successors, as the heirs of his prerogative, proceed patriarchs, primates, metropolitans, bishops, and sacerdotal order in general. All are responsible to him, but he to God alone.[f] His ordinances are laws of universal authority, and quite independent of all other law, no matter from what person or body-spiritual it might proceed.[g] Rome is the "*heart*" of the church, from which the life-blood is propelled into every vein and artery of the ecclesiastical body; she is the "*hinge*" of all govern-

The pontificate an office emanating *immediately* from Christ.

[e] This mode of stating the Petrine prerogative is little more than an explicit repetition of the theory of Optatus of Milevis (see Book II. c. ii. p. 295), and it corresponded closely with that of Innocent I. (ibid. c. i. p. 281), Augustin (ibid. c. ii. p. 295, Leo the Great (ibid. c. iv. p. 348), Gelasius (Book III. c. ii. pp. 47 et sqq.), and Hormisda (ibid. c. iii. p. 111). There is, however, some novelty in the manner of presenting the powers granted to Peter. We think the distinction between his *immediate* commission and the supposed *derivative* character of that of the other apostles is here for the first time taken.

[f] *Anacleti* ep. ii., *Mansi*, tom. i. pp. 610, 612. We may suppose that this was one among the passages which gave such unspeakable satisfaction to Gregory IV. on the "Field of Lies."

[g] *Clem.* ep. i., ibid. pp. 107, 108; *Anaclet.* ep. iii., ibid. p. 617.

ment, whereby the rest are empowered to open and to close the gates of the church to all; the ultimate and the supreme judge in all causes; the common "*mother*," from whose embrace no one, even the meanest of her children, can be separated or kept aloof: she is the *one* asylum of the oppressed servants of Christ, from whose ever-present aid no one can debar them without bringing down damnation upon himself.[h]

Reduction of the metropolitan courts to mere commissions of inquiry.

Consistently with these attributions, there was really no room for any other than merely *delegated* powers in the church. Hitherto the courts of the primate, the metropolitan, and, above them, that of the patriarch, had been held competent to try and determine all spiritual causes arising within their respective jurisdictions, whether a bishop was a party to the suit or not. Several opportunities have occurred in the course of our narrative of observing the impatient spirit with which the Roman pontiffs witnessed the exercise of those jurisdictions; how anxiously they strove to divert spiritual causes from their natural and canonical channels, and to encourage individual appeals to themselves, even while the causes were still pending before the original tribunals.[i] In this particular they cast themselves loose from the natural restrictions upon every mere court of appeal—the absence, namely, of all right to interfere before the cause is ripe for transfer to the superior court. The decretalists eagerly adopted this departure from law and common sense. They introduced in favour of the Roman prerogative a totally new relation between the metropolitans and their provincial bishops. The court of the archbishop was degraded to the function of a simple commission of inquiry,

[h] These attributions are claimed in the following decretals: *Anaclet.* ep. iii., *Mansi*, tom. i. p. 618; *Alexand. I.* ep. i., ibid. p. 635; *Zephyrini* ep. i., ib. p. 730; *ejusd.* ep. ii., ib. p. 732: and conf. Ep. Innoc. I. ad Ducentium, Book II. c. i. p. 282.

[i] See the early case of Basileides and Martial, Book I. c. v. p. 119. Conf. what is said ibid. c. vii. p. 172. See also Ep. of Julius I. to the Eusebians, ibid. c. ix. pp. 202, 203, Book II. c. ii. p. 299; appeal of Apiarius, of Antony of Fussalis, ibid. pp. 305, 307; the pontifical vicariate, ibid. pp. 310, 311; Leo in the appeal of Celidonius, ibid. pp. 350, 352. Conf. Book III. c. i. p. 8, ibid. pp. 26, 27, 32, 35; case of Honoratus of Salona, ibid. c. vi. pp. 198-200; case of Januarius and Stephen, ibid. c. vii. pp. 227-230; appeal of Wilfred, Book IV. c. iv. pp. 337-342; the Studite appeal, Book V. c. iv. p. 500.

with power to report on, but not to decide or give judgment in, causes where a bishop was a party. A special license from the holy see was necessary to enable him to pass a sentence or to pronounce a judgment;[j] "because," say they, "the apostle Peter hath reserved to himself the cognisance of all causes in which a bishop is concerned." But it is added that, inasmuch as it might in some cases be difficult, by reason of distance, infirmity, or other unavoidable cause, to have free access to Rome, a certain permissive authority is intrusted to the primate of the diocese to hear and determine in the place of the pontiff;[k] but without such permission no patriarch, primate, or metropolitan is to be deemed competent to pronounce final judgment, excepting in cases in which the culprit shall confess the crime charged against him, or shall have been convicted by canonically-qualified witnesses to the number of seventy-two at least, that being the number of the elders whom the Lord had assigned to be the helpers of his apostles; but wherever any difficulty in complying with these preliminary forms shall occur, the court must wait for the license of the holy see before proceeding further in the cause.[l]

Original jurisdiction in ecclesiastical causes transferred to Rome.

Following up the idea of the parental relation of Rome to all other churches, in close analogy to the civil law defining that relation, the court of the supreme pontiff was transformed from an appellate judicature to a court of original jurisdiction. Applications to Rome *at every stage* of a "causa major" were by all means to be encouraged. The first decretal ascribed to Bishop Sixtus II. declares it lawfully competent to all bishops who may have incurred any kind of blame, or may have any complaint to make, to resort *immediately* to the apostolic see; and decrees that they shall be at liberty to cast themselves on her maternal bosom for aid and protection as often as they may think proper.[m] They are therefore encouraged

[j] *Victoris I.* ep. i. § 3, *Mansi*, tom. i. p. 701.

[k] *Aniceti* ep. § 3, ibid. p. 683. Probably as *vicars* of the holy see.

[l] *Zephyrini* ep. i., ubi sup. p. 730.

[m] See expressly to this point *Eutychiani* ep. ii. § 1, ibid. tom. i. p. 1122, where it is said that, although by the course of the civil law a person who has once brought his cause into court

at pleasure, and without cause assigned, to withdraw their suits and persons from the conciliar and comprovincial judicature of their primate or metropolitan, and freely to resort to the holy see for judgment and justice. Until such judgment shall be given, it is ordered that appellants shall suffer no detriment or diminution of honour or estate, or any suspension from episcopal function or emolument.[n]

Right to annul ecclesiastical decrees.

In order to give full effect to this unlimited jurisdiction, a right is annexed to annul all ecclesiastical decrees and sentences. A decretal bearing the name of Sixtus II. commands the bishops of Spain to reinstate certain prelates whom they are supposed to have degraded, unless they wished to see themselves "and their princes"[o] cast out of the church. The same document recommends to the metropolitans never on any pretext to proceed against a bishop without first reporting the matter to the pope, and taking his pleasure thereon; whereby they would avoid the danger of forestalling the pontifical decision, or taking any step offensive to the pontifical dignity.[p]

Perfected theory of the cathedra Petri.

The completed theory of the Roman primacy, as it existed in the contemplation of the decretalists, is thus summed up in a letter ascribed to Bishop Marcellus (A.D. 308),[q] and addressed to the bishops of the Syrian diocese. The pontiff, they maintain, is by the "word of God" charged with the whole government and superintendence of the universal church: the bishops of Antioch are therefore not to imagine that because that city had been the original see of

cannot withdraw it before judgment, yet that in this respect the rule of ecclesiastical law is different; for that any bishop, even after a hearing of his cause, might, if he thought himself overborne (prægravatus), withdraw both person and cause from the cognisance of the (original) court.

[n] *Sixti I.* ep. i., ibid. p. 995.

[o] A woful slip of the forger, who evidently mistook the age of Galienus, in which Sixtus II. was bishop of Rome, for that of the Gothic kings contemporary with Isidore of Seville (601-636).

[p] *Sixti II.* ep. ii., § 4, *Mansi*, tom. i. p. 998. Conf. *Melchiadis* Pap. "ad omnes Hispaniæ episcopos," ibid. tom. ii. p. 428.

[q] *Marcell. I.* Ep. ad Episc. Antiochiæ, ep. i., ibid. tom. i. p. 1262. The materials of this letter we believe to have been gathered by the fabricators from the genuine decretals of the pontiffs of the fifth, sixth, and seventh centuries, written during the struggle between Rome and Constantinople for the primacy.

Peter, they might resort to her as the true "cathedra Petri," for that after the apostle had transferred his see to Rome, all his powers became annexed, and were transmitted to his successors in that see; they were therefore by no means at liberty to look elsewhere, or to carry their causes to any other court than that to which they were expressly assigned by divine ordinance, and directed to be disposed of by him who is the source of all power in the church, and from whom they themselves derived their commission and being as bishops.[r]

Provision against the interference of secular princes.

But the fabricators were conscious that something would be wanting to the completeness of the scheme of Petrine prerogative, as applicable to the age for which that scheme was devised, unless they could introduce some provision against secular interference with papal government. But deceit and ignorance could hardly have led them further astray than when they pitched upon Bishop Marcellinus, whose episcopacy fell precisely within the period of the last and bitterest of the persecutions,—that of Diocletian,—as the vehicle of their protest against the possible or probable interference of kings and princes in the affairs of the church. The matter is, however, managed with some delicacy. The case is put hypothetically: "If," it is said, "an unjust judgment be pronounced by a judge, by command or from fear of the king, it shall be void; nor shall any ordinance or thing contrary to the doctrine of evangelists and prophets, or to that of the apostles, or their successors (the popes), or of the holy fathers, have any validity whatever: and as to what is done by unbelieving or heretical princes, let it be quashed altogether."[s]

Thus far the decretalists had faithfully performed that

[r] It seems to have been a part of the theory of the decretalists that the eleven derived their powers not immediately from the Lord, but from Peter as their chief. To him was delivered the whole fund of episcopal powers, to be distributed by him at discretion. Though the decretalists admit the descent of the bishops of the East from the other apostles, yet the ultimate derivation is from Peter singly. The latter, then, is conceived as transmitting the *whole fund* to his successors, to be by him distributed at pleasure.

[s] *Marcellini* Ep. ad Orientales, ep. ii. § 4, *Mansi*, i. p. 1244. Another impu-

Exaltation of the priesthood.

part of their covenant which related to the exaltation of the papal power. What was to be done by the pontiff in performance of his part of the presumed compact remains now to be inquired into.

The Christian ministry invested with a sacerdotal character.

Certainly the station to which the papacy was thus elevated must have satisfied the most exalted conception Pope Gregory IV. could have entertained when these decretals first met his eye. Yet a closer examination of the ecclesiastical history of the age may raise a strong suspicion that the elevation of the Petrine see was only regarded as the means to an end of still higher importance to the fabricators of these documents. In order to acquaint ourselves with the real drift of the authors, we must consider the work rather more in detail. There are not wanting proofs that, even in the earlier ages of the church, a strong desire existed to elevate the priestly office to a station corresponding with that of the Levitical priesthood.[t] In the eighth and ninth centuries a general effort to infuse fresh life and vigour into the long-cherished opinion respecting the supereminent dignity of the sacerdotal character appears on the face of all history. With this view, the decretalists presented the Christian ministry as a properly *mediatorial and sacrificing priesthood*, after the strict model of the Aaronic order.[u] It is urged, that whereas under the old covenant Aaron was the stem from which the priesthood sprang, and the presbyters his sons as branches of the same tree, so likewise under the new covenant the apostle Peter was the fountain-head from which the Christian sacerdotium took its rise, by and through his spouse the church of Rome; without whose connubial intervention there could have been no progenitrix, consequently no offspring.[v] But when they were

dent forgery is foisted in, ascribed to Bishop Marcellus (A.D. 308-310), and purporting to be addressed to the tyrant Maxentius (ad Maxentium tyrannum), with a view, it should seem, of encouraging the opinion that sovereigns might be made responsible to the pope for offences against the church. Ibid. p. 1265.

[t] Conf. Book I. c. iii. pp. 73 et sqq.; ibid. c. vi. pp. 147 et sqq.

[u] *Alexandri I.* ep. ii., *Mansi*, i. p. 643.

[v] *Anacleti* ep. ii., ibid. p. 611; *Fabiani* ep. ii. § 2, ibid. 778.

thus begotten into the church, the Christian priesthood inherited the entire function belonging to its spiritual parentage, and came at once into full possession of all the means and instruments necessary to the perfect performance of that function: taken, therefore, as a whole, and without distinction of rank or order, they were a priesthood by so much more exalted than the Levitical as the priesthood of Christ stood above that of Aaron; in that body was vested, not by delegation, but by transfusion, the whole office of Christ upon earth, with power to perform his mediatorial office in the nether world as he performed it in heaven above.[w]

The priest and the sacrifice.

And as Christ had offered himself up upon the altar of the cross, so now his priests were commissioned and enjoined in his place to offer up perpetual sacrifice upon the altar of the church for the sins of the whole world. This idea of the sacerdotal office is carried out in the false decretals with great care and minuteness. Ages before the palmary tenet of modern Romanism had made its appearance, the favourite parallel had, almost as a matter of course, suggested the necessity of a *sacrifice* to answer to the idea of a sacrificing priest. This conception leaps forth full-fledged from the mind of these false men. Bishop Telesphorus[x] is made to decree thus: "Let the presbyter or the bishop, who *by the word of his mouth hath power to make the body of the Lord*, be heard, obeyed, and feared by all men; let no man gainsay or belie him; for unto him the people of the Lord look for blessing, instruction, and salvation."[y] The false Pontianus declares that the Lord had chosen his priests to serve him only; and that to them alone had he given power, that by and through them, as his servants, the offerings of all men should be made acceptable, their sins be forgiven, and they become reconciled unto himself. For," he proceeds, "to them alone it is granted *by the word of their mouth to reproduce the body of the Lord;* of whom likewise it is said, 'he that

[w] *Alexandri I.* ep. ii., ubi sup. p. 643.

[x] He is supposed to have been bishop of Rome from A.D. 127 to A.D. 139.

[y] *Telesphori* ep., ap. *Mansi*, i. p. 658. Conf. *Anteri* Pap. ep. ad Episcopos Bœtici et Toletani, ibid. p. 763.

grieveth you grieveth me;' and again, 'he that wrongeth you wrongeth me, and shall receive the recompense of his iniquity;' and again, 'they that hear you hear me, and they that despise you despise me:' therefore you (the laity) are greatly to honour those of whom all this is said; for thereby you honour him in whose place and office they stand."[z]

Transubstantiation broached.

In these phrases the making or reproducing of the Lord's body is plainly expressed.[a] They convey the earliest intimation to be found in any ecclesiastical document of the perfected dogma of transubstantiation; and we notice that it was not a pontifical, but a properly sacerdotal inspiration, proceeding from a quarter remote from Roman suggestion, and in the prosecution of a scheme of deceit which has no parallel in the history of the church. And this feature in the compilation before us is too remarkable not to engage our attention for a moment.

Paschasius "de corpore et sanguine," &c.

The earliest dogmatic text-book in which the "corporeal presence" of Christ in the sacrament is asserted, is that of the monk Paschasius Radbertus, an inmate of the great monastery of Corvey in Westphalia. He was the conventual subject, the devoted friend, and afterwards the biographer of Abbot Wala, whose active agency in the first publication of the false decretals has been already adverted to. Paschasius wrote his remarkable work, entitled "De Corpore et Sanguine Domini," during his residence with his exiled abbot in the year 831, but did not publish it till some years afterwards. Till this point of time the opinion that by the words of consecration the priest had the power to reproduce the human body of the Lord was a novelty in the Christian world. Yet with this opinion on their minds, and not improbably with the book itself in their hand, Wala and his friend presented the false decretals as a genuine work of antiquity to Pope Gregory IV. on the Field of Lies. Now these documents are found to

[z] *Pontiani* ep. i., *Mansi*, i. p. 756.

[a] The verb *conficere* means, not merely 'to make,' but 'to make perfect or complete, to produce.' It is used in the decretals without explanation, and must therefore be taken in its fullest acceptation, namely, to make or produce the *material* body of the Lord.

contain the same doctrine, cautiously perhaps, yet very clearly expressed and set forth as a truth held and believed from the earliest ages of the church. The decretals, therefore, embody a dogma in no way defined in the minds of any but those to whom its invention is traced; and that dogma is first promulgated on the same occasion and by the same persons, those persons being alone privy to the novelty then for the first time produced to the world. In this view of the facts we take the doctrine of transubstantiation to have come into the world at the same birth with the series of forgeries by which the Christian priesthood was finally elevated to the rank and dignity of a sacrificing and mediatorial order.[b] The doctrine is, as it were, the keystone of the decretal scheme; and it is now raised up for the first time, and dropped into its proper bed, by the authors of the scheme themselves. The anomaly of a priest without a victim—of a mediator without a medium of intercession—is thus got rid of, and the character of the priest is placed upon a foundation of dignity and authority which must inspire a mighty confidence in the bosom of every member of the order.

Relation between the clergy and the laity in the false decretals.

Considering the false decretals as containing a scheme of ecclesiastical polity struck off by the same hands, at one time and with one intention by the ablest men of the age, for the exaltation of their own order, we may now inquire shortly into the relation they establish between the clergy and the laity of their communion.

The proofs which may be adduced in favour of the theory which deduces the distinction between clergy and laity from the primitive age of Christianity, have been adverted to in an earlier portion of this work.[c] We think that the separation was gradual, and that it was favoured by the equally gradual adoption of the Mosaic parallel

[b] Thus the false *Fabian* (ep. ii., *Mansi*, i. p. 775): "Sacerdotes quoque Dominus sibi elegit ut *sacrificent* ei, et *offerant oblationes* Domino. Levitas quoque sub iis esse jussit in ministeriis eorum. Unde ad Mosen loquitur," &c. quoting *Numbers* iii. 41.

[c] Book I. c. iii. p. 62.

into the Christian scheme during its transformation from the state of a voluntary and strictly spiritual association into that of a fully organised politico-religious corporation. As soon as civil privileges were granted to the ministry which raised them to a social position above that of their flocks, there was an end to the primitive union of ministers and people to form one church, as it appeared in the practice of the apostolic age. Under that practice there was no room for that exclusion of the laity from participation in the general government which the authors of the elaborated scheme felt to be essential to complete the parallel between their order and that of the Levitical priesthood. The authors of the false decretals, in every portion of their work, take it for granted that *the church subsists wholly in the priesthood;* assigning to the laity as little interest or concern in matters appertaining to their own spiritual government as if they had never formed any part of the church-constituency, or enjoyed any other than a permissive right to partake of the Christian privilege.[d] The broad ground assigned for this exclusion is, that the priest or bishop is the mediator between Christ and the people. They that persecute him persecute God whose office he bears; "because," says the supposititious Alexander I. to the clergy, "as the Son of God is the divine mediator in heaven, so you are placed aloft in his church that you on earth may, in his place, exercise his office between God and man. . . . Christ is the bridegroom; the Church is the bride: therefore in heaven we have one Father; but on earth the priesthood, by his delegation, do exercise his functions in the church."[e]

The clergy are *the church.*

This allegation was deemed to constitute the strong wall of separation between the clergy and the laity; and no point was more earnestly laboured throughout the decretals than this. "The

The clergy not amenable to the laity.

[d] "Non intelligentes," says the false Pius I. in reproach of the laity,—"non intelligentes quod ecclesia Domini *in sacerdotibus constitit*, et crescit in templum Dei." The sequel of this epistle supplies all that is necessary to effect the total exclusion of the laity from all participation in the government of the church, and to vest it exclusively in the clergy. See *Pii I.* ep. ii., *Mansi*, i. p. 675.

[e] *Alexandri I.* ep. ii., ubi sup. p. 643; *Evaristi* Pap. ep. ii., ibid. p. 627.

apostle Peter," says the fictitious Clement, "always taught that the way of life of all priests was superior to, and more holy than, that of secular and lay men; and therefore that all spiritual and sacerdotal persons were to be ranked above the carnal and the lay. And so it is that we (the priesthood) hold it as naught when we are rebuked or called to account by such as these, or by any earthly arbiter; for the superior may not be accused or tried by the inferior."[f] The laity are, we perceive, included in a body under the carnal law; the clergy under the law-spiritual. "We nowhere read," says the decretal ascribed to Bishop Stephen I., "that any faculty was ever given to the laity, even though they might be good and religious men, in any way to meddle with ecclesiastical matters; for we know that the carnal man is always at war with the spiritual."[g] Following up this view of the sacerdotal character, the laity are under every imaginable circumstance disqualified to bring or to prosecute cause, action, or complaint against a priest: "For they are strangers[h] to the accused, being altogether of a different order, and living under a different law." Therefore all complaint or matter of charge brought by a layman against a bishop or a priest was, without regard to its merits, a wrong and injury to the latter; it was persecution, even though he might be guilty of the offence charged. For the priest is exclusively the servant of God, therefore to be judged by God alone, or by those who stand in his place. "Men do not permit their servants to be made accountable to strangers; how much the less will God permit his servants to be subject to any one but himself!"[i]

The extracts quoted indicate unmistakably the intent of the fabricators to withdraw the clergy from the operation of secular law. They were to appear as a "peculiar people," living under their own law; much as, by the practice of the age, Roman, Frank, Burgundian, German, was allowed to

The clergy exempt from the operation of secular law.

[f] *Clement.* ep. i., ubi sup. p. 102.

[g] *Steph. I.* ep. ii. § 10, ubi sup. p. 889. See also *Calixti* Pap. ep. i. § 1, ibid. p. 740.

[h] Not his peers or equals.

[i] *Anaclet.* ep. ii. § 2, *Mansi*, i. p. 609. Conf. *Gaii* Pap. ep. § 1, ibid. p. 1231. The false *Pontian* (ep. i., ibid. p. 756)

choose the law under which he would live, and by which he would abide in all causes civil or criminal. The decretalists accordingly disclaim on the part of the clergy all right to interfere, whether as witnesses, parties, or judges, in the causes of the laity.[j] Such a disclaimer was, in fact, necessary to complete the wall of separation. It was laid down as a rule that the clergy should have no manner of personal litigation among themselves; *à fortiori*, none such with others. Even differences of a purely ecclesiastical nature were treated as evils to be deplored and avoided; all litigation is to be put an end to by the pressure of the spiritual power. The policy of the decretal scheme is throughout to impede judicial inquiry by an ultimate reference of all disputes to the one original source of spiritual authority. The moral delinquencies of the clergy are to be treated with the utmost indulgence; their evil lives, their known and avowed crimes, are to be borne with by the laity with uncomplaining meekness; they are not to be thereby disqualified for the exercise of their office, or to be deprived of their honours or emoluments if, upon any evidence, the church shall profess herself satisfied; for to the "power of the keys" alone it belongs to determine whether the delinquent be or be not of capacity "to offer up sacrifice for the people."[k]

The collegiate life.

A peculiarity in the ordinary or domestic life of the clergy which is not very generally taken into account may be here adverted to. The clerical orders of the eighth and ninth centuries dwelt together more as collegiate or monastic bodies than as householders or domestic men. The decretalists took a view of this practice subsidiary to their general design. The clergy, it is said, are the descendants of the primitive believers, who sold all their goods and brought the price to the apostles to be enjoyed in common. In the same way their successors, from all times, brought their wealth to the bishops, to be administered by them for ecclesiastical

clenches the distinction by including the whole lay community under the category of "homines malæ vitæ," the priests being "homines bonæ vitæ."

[j] *Fabiani* ep. ii., ubi sup. p. 775.

[k] *Calixti I.* ep. ii., ubi sup. p. 744.

purposes, and for the relief of the poor. After this manner the churches became possessed of lands and goods; no human law having interfered to confer, and no human law operating to take away, this sacred fund.[l] Thus not only the persons and the status, but also the property of the clergy is removed from the sphere of civil regulation; the church is lifted out of, and placed upon an eminence above, the civil state, supremely indifferent to all sublunary interests, excepting her own inviolable rights, immunities, and properties in the common inheritance.

The "vita communis"—Unity of clergy under one head.

In reference to this absolute state of separation, the spirit of the false decretals is as explicit as the letter is plain and intelligible. Each topic suggests the next; the "vita communis" is the type and form of the clerical condition; as the clergy have but one earthly interest, one dwelling, one property, so they have but one spiritual interest, and one head of the whole body. "Inasmuch as the priests of the Lord are in life and conversation separated from the laity, so likewise are they separated in their causes; for it is written, The servant of the Lord shall not strive."[m] The closest union, expressed by the total absence of litigation, is not merely the duty, but the interest, of all churchmen; it is the proper instrument of government. Most earnest, therefore, are the solicitations and exhortations to union; concord is the cement of the sacerdotal power, the only weapon by which the lay enemy may be driven from the field. "You, therefore," says the decretal ascribed to Alexander I., "if you shall maintain love towards one another, if you shall be all of one mind, shall with ease overcome such as these.[n] But if—which God forbid—you shall have discord one with another; if, dog-like, you shall snap and bite at each other,—not only shall you not overcome, but do great hurt to yourselves, and be overcome of them, and shall perish, it may be, in your innocence. . . . It is therefore good to suppress dissensions and altercations among yourselves."[o]

[l] *Urbani I.* ep. §§ 1, 2, 3, ubi sup. p. 748.

[m] *Fabiani* ep. ii. § 2, ubi sup. p. 775.

[n] Namely the lay enemy.

[o] *Alexand. I.* ep. ii., ubi sup. p. 643.

The laity the enemy to be subdued.

The sharpest feature in these decretals is the position in which the fabricators laboured to place the clergy in relation to the laity. Every scriptural address, exhortation, or encouragement applied to the whole body of believers in their struggle with an idolatrous world or with their own frailties, is exclusively appropriated to the priesthood. The laity steps into the place of the pagan enemy; they are the cumulate representative of that body of sin against which the church has to contend; they are the "world, the flesh, and the devil," which are to be vanquished; they are the "power of the world," "the kingdom of darkness," that is to be subjugated. The intrusion of such an element as this into the church is above all things to be deprecated; for that were indeed a sacrilegious profanation of the temple of God, a robbery of the honour due to him in the persons of his chosen servants and representatives. With this character of the laity we may contrast that ascribed to the clergy, more especially to the episcopacy; remembering that the object is to raise them as far as possible above the atmosphere of worldly politics. This was accomplished by presenting the episcopal function and attributes as partaking of the divine in such a degree as to exclude the operation of human law to control or punish. Thus the bishop is spiritual, the commonalty is carnal;[p] the bishop bears the apostolic commission and powers; as the pontiff of Rome is, by divine appointment, the vicar and successor of the prince of the apostles, so the bishops are the vicars and successors of the eleven;[q] they are the key-bearers of the church, the doorkeepers of the kingdom of heaven,[r] the apple of God's eye; he that layeth hands on a bishop is no less guilty than he that should lay hands upon God himself;[s] they are the pillars of the church,[t] the lords of God's household; he that injureth them injureth him whose ambassadors they are: therefore to them shall all the princes of the earth, nay all mankind, pay devout homage and

The bishop the ambassador of God.

[p] *Clement.* ep. i., ubi sup. p. 101.
[q] *Anaclet.* ep. ii., ibid. p. 610.
[r] *Clement.* ep. i., ibid. p. 101.
[s] *Clement.* ep. i., ibid. p. 101.
[t] *Anaclet.* ep. ii., ibid. p. 610, and ep. iii., p. 615.

obedience;[u] he that grieveth a bishop grieveth Christ who sent him; he that receiveth not a bishop receiveth not God the Father, and shall not himself be received into the kingdom of heaven.[v]

The bishop above all secular censure.

The first corollary deduced from these dogmatic attributions was, that the episcopal character and condition placed him high above public or private censure. To depose, impoverish, punish, or even to speak evil of him, whatever might be his demerits, was to be regarded as an encroachment upon the prerogative of God, to whom alone he is responsible; for he is his servant, and his only.[w] All who shall say a word against a bishop shall be deemed infamous among men;[x] for it is better for men to put up with and to tolerate, than to reprehend the reprobate morals of their pastors: for it is said, "God standeth in the congregation of the mighty, he judgeth among the gods;"[y] and whosoever slandereth a bishop shall not only be infamous, but be excommunicate, and deemed a stranger to the church. "And if any one offend one of these 'little ones' (the bishops), it were better for him that a millstone were hanged about his neck, and that he were cast into the sea." Therefore no one is even to believe hastily any reports against the clergy; but shall always treat such stories as slanders till regularly and canonically proved.[z]

Imputed immaculacy of the church and her ministers.

As to the laity and all without the sacerdotal pale, the church is *immaculate*—she is without spot or blemish. Correction, if required at all, must proceed from within; it must be strictly her own work, without so much as a suggestion from the profane. Every such suggestion is to be deemed an intrusion or a slander. This immaculacy of the church consisted not in absolute, but in imputed innocency. All accusers, including clerks of inferior degree, making public complaint against the manners or morals of superiors,

[u] *Clement.* ep. i., ibid. p. 105.

[v] Id. ep., ubi sup.

[w] Ibid. ep. i., ubi sup. p. 104. Almost every one of these decretals repeats this proposition.

[x] *Anaclet.* ep. iii., ubi sup. pp. 618, 619, and elsewhere frequently.

[y] Ps. lxxxii. 1. The Vulgate has it more significantly: "Deus stetit in synagoga deorum (presbyterorum), in medio autem deos (presbyteros) dijudicat."

[z] *Evaristi* ep. i., ubi sup. p. 628.

were therefore to be deemed "slanderers," "vituperators," "delators," "blasphemers," "plotters," "persecutors," "conspirators," "despisers of the apostolic ordinances," "enemies of God and of their own souls." The duty of the bishop is to put all such persons, their aiders and abettors, out of the pale of the church till they make due satisfaction. "For behold, as saith the prophet, all they that are incensed against thee shall be as nothing, and they that strive with thee shall perish."[a] The motive to be imputed to the lay accuser in all such cases is that of pure malevolence: "for the bishop is to be borne with in all things by clergy and laity alike, as the bondsman forbeareth towards his lord; in order that by the exercise of patience on their part the reputation of the bishop may be sustained, and the hope of eternal things kept alive. The Lord hath lifted up the bishop on high, that he may be as a beacon seen from afar: let him therefore diligently strive to disperse every mist that may dim his brightness; let him put down all who set snares for the brethren, or stir up scandals and seditions against himself,"[b]—in plain words, all who upon any pretence may take exception to his conduct.

The accuser of a bishop, how to be treated.

The legal presumption of innocence which attaches to the character of the bishop brings with it a like presumption of wrong or guilt against his accuser. Upon his head, therefore, the decretalists heap every commination to be found in the old testamentary denunciations against the enemies of God's people:[c] "For which," says the decretal ascribed to Bishop Alexander I., "is most to be condemned—he that teareth out the eye of a temporal prince, which all men hold to be an enormous treason, or he that plucketh out the 'eye of the Lord'? Therefore, let him who accuseth a priest be marked as altogether infamous; and although he may not be punished with death, yet let him be an outcast for ever. For we have a decree, handed down to us from the

[a] *Alexand.* ep. i. § 3, ubi sup. p. 638. The character here imputed to the accusers of bishops and clergy is to be collected from the frequently-quoted epistles of Clement, as also from those of *Telesphorus* (ep., § 4, ubi sup. p. 659) and *Pius II.* (ep. ii., ibid. p. 675).

[b] *Zephyrini* ep. i., ubi sup. p. 731. See also *Anaclet.* ep. i., ibid. p. 609.

[c] *Anaclet.* ep. ii., ubi sup. p. 610.

apostles, wherewith we put a gag into their mouths, that they may not accuse nor bear witness against the bishops: for such as they are altogether dead in trespasses and sins; the Lord hateth them, therefore let every man avoid them, lest he become a partaker of their guilt. . . . But as to the bishops, let all the people be the friends of their friends, and the enemies of their enemies; let them pay devout obedience to them in all things; let them hold no converse with their detractors, in order that these may the sooner be brought to repentance."[d]

The accusation of bishops to be made very difficult.

It might be thought that the total disqualification of the whole Christian community to prosecute or give evidence against a bishop had sufficiently narrowed the responsibility of the latter. Yet the precautions against prosecution appear to have even extended to all the inferior clergy; and the following provision demonstrates that, if the hierarchy could not altogether close its eyes against the offences of its own members, they were determined that no means of evading the consequences should be neglected. "The holy apostles," says the decretal attributed to Bishop Fabian, "intended that the bishops should either never be accused at all, or that such accusation should be made very difficult, lest it might be made too easy to the evil-minded to cast them down, or set them aside: for if the secular and the wicked man were permitted to assail the bishop, there would either be no bishops at all, or but very few; and for that reason the apostles resolved that no such accusation should take place; or that, if it might not be otherwise, it should be made a very difficult task to accuse."[e]

Exclusion of testimony against a bishop.

In order, therefore, to render the prosecution of a bishop a hopeless undertaking, the first device resorted to is to narrow the competency of the witnesses so as to exclude testimony as much

[d] *Alexand. I.* ep. i. § 1, ubi sup. p. 637.

[e] *Fabian.* ep. ii., ubi sup. pp. 778, 779. Fabian, it may be noticed, was bishop of Rome during the great Decian persecution. See also *Anaclet.* ep. ii., ibid. p. 610. The "laity" and the "wicked" are terms used as almost convertible. In the same way, the words "prosecution" and "persecution" are synonymous throughout these documents.

as possible. It is inculcated that if a bishop be a man of irregular life, or guilty of any serious delinquency, the people are to regard such misbehaviour as a visitation upon themselves for their own sins, as all men must do when their temporal princes step aside from the right way: thus when David sinned, the people suffered, not for his, but for their own iniquities. A bishop, therefore, though he be a person of irregular life, shall not be reproved by his flock (*plebs*): neither shall the judges of the church hear any accuser whatever until they shall have first instituted strict inquiry into all matters that may cast suspicion upon his motives or affect his general character; until they shall have proved the intent, the faith, the discretion, life, conversation, conscience, and merits of the "blasphemer;"[f] until they shall have ascertained whether he was acting for God's sake, or from vain-glory, enmity, hatred, or cupidity.[g] No suspected enemy, or friend of any enemy, shall be regarded as a qualified witness;[h] nor any one whose faith shall not be found to bear the strictest scrutiny.[i] No common informer shall be heard against priest or bishop, no inferior against his superior; therefore no priest against his bishop.[j] The witness, whoever he be, must be above all suspicion; therefore no layman of any rank, no inferior clerk, no member of the particular flock, shall denounce his own pastor; neither any servile person, or one whose free condition is not notorious.[k] So neither shall any blood-relation, or member of the household of the accuser, be heard against a prelate; because carnal affection, fear or hope of advantage, bewray the consciences of men and pervert their judgment.[l]

Difficulty of prosecution.

These exceptions, it is apparent, removed the testimony of the only close observers of the life and conversation of the bishops, and at the same time introduced a trial of competency extending over the

[f] "Personam, vitam, fidem, et conversationem '*blasphematoris.*'" *Sixti I.* ep. i., ubi sup. p. 652.

[g] *Evaristi* ep. i., ubi sup. p. 628.

[h] *Telesphori* ep. § 4, ubi sup. p. 659; *Fabiani* ep. ii. § 2, ibid. p. 775.

[i] *Pii I.* ep. i., ubi sup. p. 672.

[j] *Eleutherii* ep. ii. § 2, ubi sup. p. 696.

[k] *Fabiani* ep. ii. § 2, ubi sup. p. 775. These disqualifications are repeated in ep. iii. of the same, ibid. p. 782.

[l] *Calixti* ep. ii. §§ 1-5, ubi sup. p. 740.

whole life of the witness; a precaution obviously intended to impede all approach to the real merits of the case. Yet such a trial seemed to follow naturally from the technical presumption of malice which attached to all such prosecutions. Not only is the bishop to be presumed innocent till he is proved to be guilty, but the prosecutor is to be presumed guilty till he substantiates his charge. The only case in which it should seem that this presumption does not attach to its full extent, is that of an imputed departure from the faith. If a bishop swerve from the faith, it is said, he may be privately and delicately admonished by the believer of any condition; and in that case he may, if incorrigible, be denounced to his primate, or to the holy see. But the decretalists carefully exclude every other supposable case; and they are prodigal of scriptural quotations and denunciations to secure the prelacy against the odium and the dangers incident to their private vices.[m]

Accusation of a priest.

It is not very clear upon the face of these documents to what extent the clergy below the rank of bishop were intended to partake of the immunities of their superiors. It appears, however, that every priest charged with an offence of any kind might invoke the protection and favour of his bishop, as an innocent person, until his accuser, and the witnesses he might bring, should have established their competency; and that no witness should be heard whose reputation did not bear the severest scrutiny. Thus it is ordered that no person convicted of a civil crime or moral misdemeanour, no infamous person, no notorious liar or false witness, nor any one who had committed sacrilege or any other crime punishable by law, should be allowed to bear testimony against a clerk, though the latter should be of the humblest, even of servile degree. Neither should he be proceeded against on any but a canonical charge, nor upon any that was not clear and certain in the statement.[n]

[m] *Fabiani* ep. ii., ubi sup. p. 778: "Whosoever resisteth the power which is of God, resisteth the ordinance of God; and they that resist shall receive to themselves damnation." *Rom.* xiii. 1, 2. A very coarse misapplication of the text.

[n] *Eutychiani* ep. ii., ubi sup. p. 1122.

Special provisions to secure the clerical immunities.

Hitherto we have seen what contrivances were resorted to to prevent the success of any prosecution or censure against the bishop. It may now be as well to cast a glance at the positive provisions contained in these curious documents for the removal of offences and scandals which most abounded in the churches of the age which gave birth to them. It may be observed at the outset, that the offences provided against bore no resemblance to those which were most prevalent in the first three centuries of church-history,—that is, in the period of their supposititious origin; whereas they accurately describe the actual disorders which infected both the clergy and laity of the eighth and ninth centuries. Almost every line bespeaks a feeling of apprehension for the loss of advantages—more especially those of rank and property—which could have had no place among a poor, an outlawed and persecuted community like that in which they ostensibly originated. The laity—at that period persons of little power to harm, and every disposition to respect and support, their pastors—could not have been, as they afterwards became, the objects of dislike and jealousy on the part of the clergy. Every provision of the false decretals breathes out the anxiety of the clergy to scare their flocks into respect for their wealth and personal immunities, as well as to shelter themselves from the consequences of their own vices, by an ostentatious assumption of superiority, and unsparing denunciations of the divine wrath against the intrusive scrutiny of the laity. But inasmuch as neither the existence of those vices nor their enormity could be denied or concealed, the only mode of repression consistent with the sacerdotal scheme was one that should spring wholly from the church herself. It is therefore ordained that no bishop could either be indited, tried, convicted, or condemned, but by a tribunal of his peers, because no other body or person could have power to inflict punishment or to deprive him of the episcopate; for the authority conferred by God could not be taken away by any power not proceeding from the same source.[o]

[o] "The apostles," says the first decretal,—attributed to Bishop Clemens

The Latin church had at no time shown any predilection for general councils. The government of each provincial church had passed in a great degree into the hands of the superior metropolitans, and was managed by them very much at their own discretion, under the protection of the temporal prince by whom the churches had been for the most part endowed, and by whom the prelates were generally nominated. The archbishop, primate, or metropolitan, was indeed always supposed to act by the advice of a council consisting of his comprovincial bishops; and by these all disputes and offences had been usually adjudicated; practically, however, without power to control effectually the arbitrary will of their superior. The monasteries bore with undisguised impatience the interferences of the bishop in the management of their houses; while the more discerning and zealous churchmen regarded the metropolitan prelacy as in much too great a degree dependent upon the secular princes to prove faithful to the common interests of church and clergy; a state of things detrimental to that unity of design and direction which they wished to impress upon the whole system of ecclesiastical government.

Metropolitan government.

The decretalists undisguisedly espoused the cause of the comprovincial bishops and monastic bodies against the metropolitans. The church, they maintained, could be one upon no other condition than its corporate union under one supreme head. This proposition found immediate entrance into the minds of suffragans and heads of conventual houses, who, in their several interests, thought it better to be subject to a distant than a domestic master. Instead, therefore, of reforming the provincial councils where necessary, they endeavoured to reduce them to insignificance. They did not indeed verbally deprive the archbishop of his jurisdiction over his province; but a series of appeals was introduced which practically withdrew

Diminution of the metropolitan power.

Romanus,—"have decreed that archbishops (!), bishops, and presbyters, shall not be accused by any but those who are their equals in rank; for the servant cannot be set over his master." *Clem.* ep. i., ubi sup. p. 102. See also *Anaclet.* ep. ii. § 2, ubi sup. p. 609.

them from his cognisance. It was provided that in the last resort all such causes might—and, as it appears, at any stage of the proceedings—be removed to the final adjudication of the Roman pontiff.[p] The apostles, it was declared, had unanimously decreed that in all cases of doubt and difficulty *immediate* recourse might be had to the holy see; and this rule was applicable to all the *majores causæ*, or such as might end in suspension or deprivation. In all such cases an *original* jurisdiction was imputed to the holy see; the metropolitan court being restricted to a power to commence proceedings, but always to conduct them subject to an appeal at any time, and as an auxiliary tribunal or court of inquiry only.[q] The metropolitans were not shut out from the initiative in the investigation; they were permitted, if they liked, to take upon themselves the duty of examining into the life and conversation of the accused and the witnesses;[r] they were even allowed to hear the cause; but there their functions came to an end. They were strenuously prohibited from deciding or pronouncing judgment without soliciting powers for that purpose from the pontiff himself;[s] though in case of extraordinary difficulty of access to Rome, they were permitted to refer the cause to the patriarch or primate of the diocese, who might be furnished with proper instructions from the holy see to determine the cause in the place of the pope.[t]

But in general the rule was to stand, that no state of circumstances could operate to deprive a bishop under

[p] *Anaclet.* ep. i. § 4, ubi sup. p. 605.

[q] Id. ep. iii. § 4, ubi sup. p. 618; *Melchiadis* ep., ubi sup. tom. ii. p. 428. We nowhere meet with any proper definition of what this "major causa" really was. Probably this class of causes was such that upon conviction the delinquent was canonically liable to privation of order or estate, or both.

[r] The gross ignorance the fabricators display of Roman history makes it doubtful whether by the terms "accusatores" and "testes" they meant any other than the accuser and his compurgators, after the fashion of the barbaric laws. This might explain the requirement of the seventy-two witnesses, the number of the elders appointed as helpers to the apostles.

[s] See the principal provision in this matter, ap. *Zephyrini* ep. i., *Mansi*, tom. i. p. 730.

[t] *Aniceti* ep. § 3, ubi sup. p. 683. This is meant to apply to the *vicars* of the holy see,—none such having been in existence in the episcopate of Anicetus, who lived in the reign of Hadrian, A.D. 107-118. The first intimation we have of a vicariate is in the pontificate of Damasus (A.D. 316-334). After Damasus, the vicars are understood to have been furnished with powers to decide all controversies and causes over which the popes of Rome claimed jurisdiction.

prosecution of the right to carry his cause *in the first instance* before the pontiff; for it was his inalienable right to cast himself "for succour and for justice" upon the "bosom of the mother of all churches."[u] This right is indeed restricted verbally to cases in which the appellant may have suffered denial of justice, or been injured or endangered in worldly estate or spiritual dignity by the proceeding of an inferior court; but as it was left to his own discretion to determine the nature and amount of the injury suffered or apprehended, the restriction amounted to nothing. A general distinction is sometimes taken between *causæ majores* and ordinary causes;[v] but it is singular that the difference is never once explained in the whole body of these decretals. Episcopal causes are without exception reserved to the ultimate decision of Rome. It is to be further observed, that the forms which rendered effectual inquiry into the truth of a charge against a bishop difficult, almost to impossibility, are not binding on the pontiff himself. "Patriarch or primate," says the false Zephyrinus, "when they shall inquire into the case of an accused bishop, shall not pronounce sentence unless they have power from the pontiff so to do; nor unless the culprit shall voluntarily confess the crime charged; nor unless he shall be convicted by immaculate and regularly qualified witnesses, who shall not be fewer in number than those disciples whom our Lord commanded to be chosen as helpers to his apostles; and that number is seventy-two."[w]

Original jurisdiction of Rome in all *causæ majores.*

Yet even before the vicarial courts, or those qualified by license from the pontiff to try and decide episcopal causes, the forms to be observed are both complicated and obscure. An error in any one of them was fatal to the jurisdiction. Thus a bishop shall not be tried before any court but one composed of bishops; nor shall any prosecutor be other than himself a bishop, and a person above all suspicion.[x] The tribunal shall consist of a full synod of

Delegated jurisdictions; how restricted.

[u] *Zephyrini* ep. i., ubi sup. p. 730; *Sixti II.* ep. i., ibid. p. 995.

[v] *Eleutherii* ep. i., ubi sup. p. 695; *Victor. I.* ep. i., ibid. p. 701. So also *Aniceti* ep. as quoted above.

[w] *Zephyr.* ep. i., ubi sup. p. 730.

[x] Ibid. ubi sup.

his comprovincial bishops, and shall be presided over by the metropolitan or primate.[y] Out of these the accused bishop shall choose twelve to be his triers. No bishop shall be accused in his absence,[z] neither shall any act of accusation be exhibited which is not full, certain, and explicit in its terms. This charge shall be publicly read *ore tenus*, and the testimony of the witnesses taken in like manner.[a] The metropolitan or patriarch presiding is to have no power to decide on any point without the concurrence of the whole council.[b] He shall send no bishop out of his province to be tried; neither shall he be brought before a court of his comprovincials without a regular summons, nor without allowing proper time for appearance, assigning time and place and affording every facility for the defence.[c] In the course of the hearing the accused bishop shall not be hurried, but shall be entitled to as many adjournments or assigns as he shall deem necessary;[d] and if before trial he shall have been expelled from his see, or have suffered loss of honour or estate, no proceeding shall be had against him until full restitution shall have been made in all these particulars.[e]

Ultimate reservation to the holy see.

A power, however, is reserved to the pope at any time, and at any stage of the proceeding, to quash and cancel the whole and every part of it. And if the case present features of serious doubt or difficulty, or where the facts deposed to lead to no certain conclusion one way or the other, or where it may be a question whether the charge itself comes within the description of offences known to the ecclesiastical law,—if, in short, the whole case, both in matter of form and upon the merits, be not clear of all ground for hesitation,—it

[y] *Calixti I.* ep. i. § 3, ubi sup. p. 740; *Lucii I.* ep. § 3, ibid. p. 875; *Julii I.* ep. i., ibid. p. 1173.

[z] *Eleutherii* ep. i. § 2, ubi sup. p. 696.

[a] *Calixti I.* ep. i. § 2, ubi sup. p. 737; *Stephani I.* ep. ii. § 5, ibid. p. 889.

[b] *Calixti I.* ep. i. § 3, ubi sup. p. 740; *Lucii I.* ep. §§ 3, 4, ibid. p. 875; *Julii I.* ep. i., ibid. p. 1173. The agreement, it seems, must be unanimous, not by majority.

[c] *Fabiani* ep. iii. § 2, ubi sup. p. 782; *Stephani I.* ep. ii. § 5, ibid. p. 889.

[d] "He shall have," says the decretal ascribed to Pope Fabian, "magnum spatium tractandæ causæ." Ep. ii., ubi sup. p. 778. See also ep. iii. § 3, ibid. p. 782. Pope Gaius is made to extend the induciæ or essoigns to twelve months, or six months at least. See his ep. § 3, ibid. p. 1231.

[e] *Zephyrini* ep. ii., ubi sup. p. 732; *Stephani I.* ep. ii. § 2, ibid. p. 889; *Gaii* ep., ibid. p. 1231.

is the duty of the patriarch or metropolitan council to reserve it for the decision of the holy see.[f] This course is to be pursued in all cases which come within the description of "majores causæ."

The drift of these provisions was, beyond question, to secure to the Roman pontiff the double powers of an original and an appellate jurisdiction in all the so-called majores causæ. Many hints are dropped at a still further extension of the papal judicature, which would have the effect of transferring causes of every degree into the hands of the bishop of Rome. The practical difficulty of carrying out such a scheme alone stood in the way of its adoption. The main design, therefore, of the decretalists was prudently restricted to the reduction of the metropolitan court to a practical nonentity whenever it should suit the pope to interfere with their proceedings.[g]

Drift of these provisions.

By reducing the right of direct impeachment to the single charge of heresy, and excluding every kind of moral delinquency from among the subjects of correction by the ordinary tribunals of the church, the fabricators of these documents hoped to emancipate the episcopacy from the control of their metropolitans, and consequently from all immediate or effectual government but that of the pope of Rome.[h] The multiplicity and complexity of the forms, taken in connection with the difficulty of communication, the hardship, expense, and peril of travel in such a state of society as that of the eighth and ninth centuries, were, in the aggregate, calculated to protract the decision of a cause almost to the verge of human life, and thus to remove responsibility to such a distance as to offer little or no check upon the vices of the episcopacy. The metropolitan

Ultimate design of the decretalists.

[f] *Melchiadis* ep., *Mansi*, tom. ii. p. 428.

[g] See *Marcelli I.* ep. i., *Mansi*, tom. i. p. 1262. These principles of decretal law will hereafter be referred to, in the disputes between Hincmar archbishop of Rheims and Popes Nicholas I. and Hadrian II.

[h] The false *Fabian* (ep. iii. § 4, ubi sup. p. 782) carries the point to such an extremity, that no prosecutor was to be allowed to appear who should not engage under his own hand either to make good his indictment, or, if he failed, to submit to the penalty that would have fallen upon the accused if he had been convicted. Every accuser of a bishop was, therefore, to go into court with a rope round his neck.

bishops, however, did not quit the field without a struggle. In France the decretal scheme never attained its full development; it may even be doubted whether in any quarter of Latin Christendom its principles and forms were fully adopted or carried out in practice. Yet it is matter of fact that they never met with any direct contradiction, much less exposure, until the progress of knowledge brought to light the imposture upon which the decretal fabric was erected. But till then it served as a spacious and well-furnished storehouse of materials suited to the papal workshop. As long as the *quality* was unsuspected, the quantity and variety of the wares it contained acquired a market-value too tempting to be neglected. The amount of profit derived from the traffic will form the subject of interesting inquiry in ensuing portions of this narrative.

CHAPTER VIII.

DIGESTS OF ECCLESIASTICAL LAW.

Object of the chapter—Mediæval digests of ecclesiastical law—Digest of Rhegino—Digest of Burchard of Worms—Demerits of these digests—Digest of Anselm of Lucca—The "Dictatus Papæ," and other collections—Digest of Ivo of Chartres—The "Decrétum and Panormia" of Ivo—their demerits—The Decretum of Gratian—its universal adoption—its merits and demerits—Errors of the Decretum—Causes of its universal adoption—Transfusion of the Isidorian forgeries into church principle and practice—The fabrication the foundation of a revolution in the whole relation of the church to the state—The state impure and unholy—the church pure and holy—The church and the world—The church not subject to the secular power—Princes and subjects alike bound to obey the bishop—Ultimate tendency of the Isidorian forgeries.

With a view to avoid prolixity or confusion in our future references to the subject of canon-law, and to afford a slight sketch of the more complete development of the system as it was affected by the publication of the false decretals, it will be expedient to anticipate the progress of events as it respects the growth of that law, and to give some account of the subsequent compilations to which the Latin churches in after-ages resorted as the authentic repertories of ecclesiastical jurisprudence. We advert to the contents of these codes in order to exhibit as shortly as possible the mode in which the compilers selected and disposed the materials in hand, and what these materials consisted of; so as to afford some general idea of the amount of spurious law introduced, and the extent to which it polluted ecclesiastical practice, but principally to show what available means it presented for the advancement of the papal power.

Object of the chapter.

Calling back to our recollection the remarks contained in the sixth chapter of this Book, on the more ancient Greek and Latin collections

Mediæval digests of ecclesiastical law.

of the canons, it will be seen that all the arrangements of that body of law known to us had been compiled with some attention to chronological order and completeness; the documents themselves being inserted at length, neither in abstract nor abridgment. But after the publication of the Isidorian forgeries, and the actual accumulation of papal decretals, genuine or supposititious,—all of which now claimed a place in the corpus of ecclesiastical law,—these documents had become too numerous for convenient reference in the form in which they had hitherto been cast. The older collections came now to be regarded as the storehouses of maxims and principles which it was necessary for practical use to raise out of their actual conjunction. It was thought, probably with reason, that the often capricious connection in which they were found served only to render them obscure and incapable of ready reference; it was therefore expedient to abstract principles and maxims scattered over a great multitude of documents, and to arrange them so as to bring them into juxtaposition with other matter of the same nature, after the general method observed in the Roman digests of the civil law.[a] The entire mass of materials was therefore distributed under separate heads or chapters; and the abstracts or dicta respectively falling within them were brought into conjunction so as mutually to support and strengthen each other, in accordance with the views of the compiler and the requirements of the ecclesiastical system they were intended to serve.

Digest of Rhegino.

The earliest of these systematic digests is that of *Rhegino*, abbot of Prume in the diocese of Treves in Germany,—the birthplace, it may be observed, of the Isidorian codex. It was composed about the beginning of the tenth century; but it was short, and appears to have been little more than a series of practical directions to the clergy to guide them in the performance

[a] It is a not uncommon mistake to suppose that the civil law was unknown or neglected in the middle ages. The Theodosian code was in general use in the age now under review. Nor is there any reason to believe that the code of Justinian, though not of much authority in the Latin world, was not frequently under the eye of the churchmen. See *Savigny*, History of the Roman Law in the Middle Ages, vol. i.

of their duties, without touching particularly upon any subjects of general ecclesiastical polity.[b] Rhegino extracted his materials from the canons of general councils, the genuine decretals of the popes, and the dicta of the Latin fathers, with occasional though unfrequent reference to the false wares of the pseudo-Isidore.[c]

In the first years of the eleventh century, Burchard, a Benedictine monk of the diocese of Worms, and afterwards bishop of that city, published a much more extensive digest of canon and decretal law, with a view to supply the deficiencies of Rhegino's codex, and to produce a systematic arrangement of ecclesiastical law of more general utility. But in the selection of his materials Burchard showed no degree of discrimination above or beyond the age in which he lived. He followed no principle in his choice; but adopted, without inquiry into its genuineness or authenticity, all that suited his purpose in the older collections. In the age of Rhegino and Burchard, men were accustomed to regard every thing that appeared with the stamp of antiquity upon it as equally authentic; consequently the work of the latter of these compilers is stuffed full of extracts from, and fragments of, the false decretals and other spurious documents. All the errors of his predecessor Rhegino are repeated without suspicion, and even enhanced by false or defective quotation. If the idea of recurring to the sources of ecclesiastical law, the original acts of conciliar bodies, or even to the genuine decretals of the Roman pontiffs, had been once entertained,—if it had been deemed of any importance to consult the equally extant works of the Latin fathers,—doubts and difficulties must have suggested themselves, and some degree of critical inquiry could not have been avoided. But both writers copied servilely from Dionysius Exiguus, from the various Roman

Digest of Burchard of Worms.

Demerits of these digests.

[b] It was probably not very different from the series of rules drawn up by Archbishop Theodore of Canterbury for the use of the Anglo-Saxon churches at the council of Herudford, in the year 670. See Book IV. c. iv. p. 330 of this work.

[c] Rhegino's work is praised by the canonists for the candour, learning, and industry it displays. *Van Espen*, Op. tom. iii. pp. 483, 484; *Durand*, Hist. du Droit canon, p. 197.

codes in circulation since the age of Boniface of Maintz, from the ecclesiastical capitularies of the Frankish princes, and from the collection of the pseudo-Isidore, as they came to hand, or as they seemed to fit in with this or that particular subject of ecclesiastical legislation.[d]

Digest of Anselm of Lucca.

In the latter half of the eleventh century, Anselm bishop of Lucca, a devoted partisan of the papacy,[e] compiled a collection of canons and councils divided into six books; the two first treating of the primacy of the holy see, and the right of appeal to Rome. Both in method and material this codex resembles its predecessors; it adopts every document, spurious or genuine, which might contribute to support the claims of the papacy; and was, in fact, little more than a compendium of church government and discipline, written for the purpose of recommending and authenticating the most extravagant of the principles of spiritual autocracy, at that moment the undisguised object and design of the reigning pontiffs. With this code for his text-book, Pope Gregory VII. (Hildebrand) drew

The "Dictatus Papæ,"

up his celebrated "Dictatus Papæ," as the completion of his despotic scheme. This short compendium of pontifical prerogative was, like the publications of Theodore of Canterbury, Boniface of Maintz, and Rhegino of Prume, taken helter-skelter from the materials best known and most german to the matter in hand, more especially such as were furnished from the workshop of Mercator, his copyists and republishers. Beyond all question, the "Dictatus Papæ" was intended to answer the temporary purpose of a manual of prerogative against the antagonists of the papal party. About

[d] "And in the same way," says the learned and candid canonist *Van Espen* (Dissert. v. de Decreto Burchardi, &c., Op. tom. iii. pp. 486 et sqq.), "as Burchard himself neglected the fountain-heads, and drew water from ditches and stagnant pools, so likewise they who after Burchard undertook to collect the canons have put their trust in Burchard himself, and have inserted his matter in their own works, even to the adoption of errors of mere negligence or ignorance committed by all the prior collectors." He then gives numerous examples of the blunderings of the earlier canonists.

[e] He was instituted in the see of Lucca by Pope Alexander II., in the year 1071; he afterwards resigned that see, and retired into a monastery, whence he was recalled by Gregory VII., to write for him against the rival pope Guibert. He died in the year 1086.

the same time sundry other collections appeared in Italy under papal patronage, all composed without any view to improve the system of ecclesiastical law, but solely to defend the extravagant claims of the Roman pontiff and his bishops against the temporal powers. These collections or digests, though they possessed little merit, and had but a limited circulation, contributed to propagate all the errors of Rhegino and Burchard, and to assist the propagation of the principles of the false decretals and of every other spurious source from which the older decretalists drew their materials.[f] and other collections.

But towards the close of the eleventh century, the Isidorian forgeries had become transfused into the whole body of Roman canon-law; they had become interwoven with the theory of the Roman primacy, and the detection of the imposture might have involved the overthrow of the papal scheme. No subsequent digest of ecclesiastical regulations and practice could dispense with them, or pass them over; for they were by this time the very form and substance of the law of Rome. This state of things was exemplified, a few years after the publication of Anselm and of the "Dictatus Papæ," by the production of Ivo bishop of Chartres in France.[g] That prelate composed and published two digests of so-called canon-law: the first was a systematic arrangement of all the prior collections, and was generally known by the name of the "Decretum Ivonis;" the second was a compendium of rules extracted from the former, and comprehended some matters not contained in the "Decretum." This abstract passed under the name of "Panormia." Both these works faithfully repeat all the errors of Rhegino and Burchard; the materials are drawn from the same sources, genuine and spurious; both are replete with extracts and dicta drawn from the false decretals; and both breathe the same spirit of slavish Digest of Ivo of Chartres. The "Decretum Ivonis;" its demerits.

[f] *Durand*, Hist. du Droit canon, &c. part ii. c. iv. pp. 208-211.

[g] Ivo was raised to the see of Chartres by Pope Urban II. about the year 1092. He died in the year 1115.

submission to the pontiff of Rome. In one respect the "Decretum" of Ivo differed from the compilation of his predecessor Burchard, inasmuch as it took in a wider range of ecclesiastical law, by the insertion of the ordinances of the code of Justinian affecting ecclesiastical order and discipline; in other respects it was little more than a servile copy of its predecessors.[h]

The Decretum of Gratian; Ivo of Chartres was followed closely and in precisely the same track by Gratian, a Benedictine monk, and a native of Chiusi in Tuscany. He is said to have begun his work in the year 1127 or 1131; that is, either twelve or sixteen years after the death of Ivo. It was completed, published, and presented to Pope Eugenius III., in the year 1151. Gratian entitled his work "A Concord of Discordant Canons," in order to give it the appearance of a harmonised digest of all the principles of ecclesiastical law in their abstract form, and so disposed as to accommodate or reconcile the discrepancies and inconsistencies which deformed the prior collections. The preference which this code very soon obtained over every other, cast the title adopted by its author into the shade; and like the similar works of his predecessors, which, in their time, had engrossed the public favour, it became known by the name of the "Decretum," with omission of the author's name, as if it were no longer requisite to take notice of any other.

its universal adoption; The Decretum of Gratian, with some very inadequate corrections introduced by the Roman curia since the exposure of the Isidorian imposture, stands to this day as the operative ecclesiastical code of the Romish communion. The correctors have in no respect altered its character; they have retained on behalf of the autocratic scheme of Rome the whole benefit of the principles and maxims of the impostor; and the Decretum has continued from that time to this the great vehicle by which those principles and maxims have been transfused into every vein and artery of the ecclesiastical system of the Latin church. We therefore devote a

[h] See *Van Espen's* account of the two codes of Ivo of Chartres, Op. tom. iii. pp. 489, 490. Conf. *Durand*, ubi sup. p. 215.

paragraph to a rather more minute examination of the work of Gratian.

In the age of that writer, the study of the civil law of Old Rome had made some progress, more especially in the University of Bologna, where, it seems probable, Gratian had acquired his predilection for that more scientific arrangement which may be granted to his compilation. In imitation of the Institutes of Justinian, he divided his subject under heads or books, comprising the subjects of three of the books of the "Institutes," viz. the law of persons, the law of things, and of actions; the *first* treating of the laws relating to ecclesiastical persons; the *second* of divine worship and ritual, the consecration of churches, the administration of the eucharist, baptism, confirmation, fasts, penances, and the observance of festivals; the *third* of offences and causes, with their appropriate judgments. But the science displayed in the arrangement was but indifferently supported, either by learning or industry, in the selection of the materials. Every authority, original or derivative, genuine or otherwise, that came to hand, was indiscriminately adopted, abstracted, and pasted into its appropriate place. Thus the Isidorian forgeries, and a multitude of other fictitious documents, found free entrance into the work. The authentic canons of the church appear frequently in that strangely distorted and corrupted state in which he found them in the works of Rhegino, Burchard, Ivo of Chartres, and others; "presenting," says Van Espen, "the discipline and practice founded upon this mass of spurious documents as the pure and primitive discipline of the fathers of the church." Moreover, with a view to carry out the harmonising scheme of his work, Gratian was frequently driven to alter the meaning and sense of the words of his originals, and to resort to modes of reconciliation which stood in contradiction, not only to the recorded traditions of the church, but even to one another. In order to reduce the ecclesiastical judicatures to as close a resemblance as possible to the courts of civil law, he inserted many things in his code equally unknown to the judges of the church

its merits and demerits.

and foreign from the expressed intention of the early canons and fathers; his sole object appearing to be to operate an indefinite extension of the jurisdiction of the hierarchy, and the absolute exemption of all spiritual persons and things from that of the secular tribunals.[i]

Errors of the Decretum.

Nevertheless the Decretum was received by the Latin church with almost unanimous applause. There was a juridical and philosophical precision about it which contrasted favourably with the clumsy structure of the preceding codices, and kept out of view the total absence of critical skill, discernment, and honesty in its composition. The learning of the age had, in fact, dwindled into technicality; and in that alone consists the merit of Gratian's work. But the want of integrity of design is its most reprehensible feature. Naked principles, extracted from the raw-materials of former compilers, are forcibly torn from their context, and are made to serve purposes never intended by their authors. The multitude of adopted errors of quotation bear witness to a spirit of fraud and false pretence discreditable to the author, and subversive of the authority of the work. It is now admitted on all hands that Gratian could not have read the documents he affects to quote, and that the quotations themselves are merely adoptive.

Causes of its universal adoption.

But none of these enormous defects were of a nature to excite the suspicions of an unlearned world. Such as Gratian was, such were all his contemporaries,—men of forms and phrases. He was the "master;" his work was the "masterpiece;" his maxims were oracles; his decisions enjoyed the force of laws. Those students whose memories served them best were rewarded with a staff or "bacillum," denoting superiority of attainment.[j] And this state of credit suffered

[i] *Van Espen*, Dissertatio Proæm. ad Decretum Gratiani, § 12, Op. tom. iii. p. 503. The materials of Gratian's works may be thus stated: 1. Scripture; 2. Canons of the Apostles; 3. The Acts of 105 Councils, general and provincial, including the Quinisext Council of Constantinople; 4. The Decretals of seventy-eight popes, including the Isidorian forgeries; 5. Extracts from the Penitentiaries; 6. Precepts derived from the Theodosian and Justinian codes, and the Responses of Paulus and Ulpian; 7. The Capitularies of the Frankish kings; 8. General Ecclesiastical History; 9. The Roman Pontifical and other official works on ritual, &c.

[j] Hence some persons derive our degree of "bachelor," *quasi* "Bacellarius." See *Ducange*.

no interruption down to the era of the exposure of the Isidorian cheat, and the condemnation of the dishonest artifices by which Gratian had attempted to bring them into harmony with the genuine canons of the church and the authentic documents of the see of Rome itself.[k] But the service rendered to that church was of incalculable value, and entitled the author to all the renown she could impart to his work. Rome adopted the "Decretum" as her own; she used, recommended, corrected, and republished it as her own; under her eye, and with her fullest concurrence, it was for many ages publicly taught in all her schools of canon-law as the binding and the operative code of ecclesiastical legislation.[l]

Transfusion of the Isidorian forgeries into church principle and practice.

We have traced the adoption and propagation of the Isidorian forgeries through their more remarkable phases down to the compilation of Gratian, where they found their final resting-place. In this way we have shown the transfusion both of the letter and spirit of those documents into the principle and practice of church-government, and their reduction into a form the most convenient that

[k] Augustin archbishop of Tarragona in Spain, the courageous and candid editor of Gratian, gives the following character of the work in his dialogues "De Emendatione," &c.: "I do not indeed think it worth while to say very much about Gratian as an author. He is remarkable only as a compiler; and, as you all know, has hardly any thing in his work that he could call his own; but, like the crow in the fable decked out in borrowed feathers, he excites the ridicule of the learned, and the admiration only of the ignorant. In respect of style, nothing can be more wretched; if you look for method and order of composition, you will have your labour for your pains: thus he puts so many things in the wrong places, and so obscures the sense of a great deal more, that you had better resort at once to the originals, *e. g.* the Councils, Burchard, Ivo, and other collectors, from whom he compiles. You tell me you think there are many things in Gratian which require correction; but I am sure you will at last come round to my opinion, that to attempt to purify this writer from his errors is a vain undertaking." See *Durand*, Hist. &c., p. 246, as quoted from the original dialogue, I. lib. i, p. 9.

[l] See Panormitan, a writer of the fifteenth century, ap. *Durand*, p. 241. The allegation of many Romish writers, that the Decretum was never adopted by any public legislative act of their church, is of no moment. Authorisation, or adoption, may be even more clearly proved by usage than by document. The latter may be forged, or may be spurious; but usage depends upon acts too numerous and uniform to be subject to any kind of suspicion. But even the non-adoption in a documentary form cannot be supported; for it is impossible to read the prefatory declaration of Pope Gregory XIII. to the corrected edition of the Decretum of Gratian in any other sense than that of an official adoption of its contents as the law of his church.

could be devised for their perpetual application. This course has carried us somewhat beyond the age of Gregory VII. and the "Dictatus Papæ," a document in which this adoption is perhaps more undisguisedly exemplified than in any other that ever issued from the papal workshop. But in this place we have done no more than point to the source from which that compendium of spiritual despotism was drawn. In a future chapter we hope to indicate the parallel with more particularity.

The fabrication the foundation of a revolution in the whole relation of the church to the state.

We do not affirm that the fabricators of the Isidorian forgeries anticipated the remoter consequences of their own scheme. At the moment they were produced to the world the papacy had not yet felt its own strength, and was not prepared to seize upon all the advantages they offered. Rome had not yet established her temporal dominion upon a basis sufficiently broad and strong to rid her of those hopes and fears which had hitherto retarded her progress. The "sordes" of vulgar ambition still clung to her, and diverted her attention from that spiritual career in which her true interests were involved. The bishops meanwhile were satisfied with the prospect of emancipation from the yoke of their metropolitans, and strove in union with Rome to make good the position they had gained. Yet, in fact, the foundation of a great revolution in the whole state of the church was laid in these documents. Hitherto the more pious sons of the church had indulged in the dream that church and state were united to form one society for the advancement of true religion and godly practice. The church-polity of imperial Rome was understood to have had that object in view: as in matrimony the husband, so in the world the state, presumed to direct the movements of the church; and such was the project of Charlemagne and his more enlightened advisers. But that state of things, though planned, and for a time sustained, by the master-mind that conceived it, was not proof against the essential tendencies of sacerdotal ambition,—the foulest of the offences to which human society has ever been a prey. This first vision

vanished with the attempt to convert the connubial into a pupillary relation. The state was to become the handmaiden of the hierarchy in all its operations and movements; and we may suspect that this was the condition tacitly annexed by the see of Rome in the act of conferring the imperial crown upon Charlemagne, his son, and grandson. And even the purer-minded churchmen, when this connubial union appeared no longer to yield the same prospect of permanent advantage, were not among the last to sue for a divorce, and to rest their suit upon the deceptive principles of the false decretals, where it stood plainly recorded that the lay estate was in its very nature so corrupt and unholy, that imputed virtue could not dwell in the same abode with vice and impurity, the righteous could not eat at the same table with the ungodly.[m] To which, then, of the two classes should the government of the world of right belong?—to the servants of God, the representatives of His majesty on earth; or to "those who were without" the pale, "secular men," "men of evil lives," "princes of this world"? When these questions were once put to the outer world, the answer was not, in an age of spiritual ignorance, easily found; for the true answer could not have been returned without destroying the credit of the very documents which enabled the clergy to propound them. Hence the importance of withdrawing their own frailties and vices from the view and cognisance of the laity. Men could not long remain insensible to the evil deeds of an association, however sacred its character, if permitted day by day to inquire into and to punish the crimes of its members. The decretalists therefore resolved rather to abjure the protection of the world, to separate the whole status of the clergy from that of the laity, than to risk the loss of a spiritual influence which rested upon a simple fiction. Thus they renounced the benefit of protective laws[n] on their own behalf; and,

The state impure and unholy;

the church pure and holy.

The church and the world.

[m] "Quia qui extra nos sunt nobiscum communicare non possunt." *Fabiani* ep. ii., *Mansi*, tom. i. p. 779.

[n] *Alexandri I.* ep. i. § 1, ubi sup. p. 635.

in the same breath, prohibited the secular magistrate from taking cognisance of crimes committed by churchmen.[o]

The church not subject to the secular power.

The decretalists were, indeed, at some pains to put this latter point in the clearest light. They made no distinction in respect of civil or criminal jurisdiction in ecclesiastical causes between the sovereign and the inferior magistrate. They adjudged expressly that *a bishop is subject to no earthly power*, and that the judgments of emperors and princes delivered against him are absolutely void. This proposition of law struck the sword of justice out of the hand of the temporal prince; and, supported by the maxim that "the crimes and vices of churchmen are to be regarded by the laity as the proper punishment of their own sins, to be meekly endured and neither rebuked nor punished," placed the clergy out of the reach of secular law, and secured them against all but what were called canonical penalties; a responsibility which, even under impartial judges, was altogether inadequate to stem the torrent of clerical corruption. The reiterated declarations of personal inviolability on behalf of the churchmen were, after this, hardly required to divest the secular powers of all remedy against hallowed malefactors and traitors. Still, a further security was deemed requisite to rest the question between clergy and laity upon an impregnable foundation. It was therefore dogmatically affirmed, as of apostolical authority, that "*all the princes of the earth*, yea, all men, are bound to obey the bishop, and to bow the neck before him; they shall *be his helpers*, and shall keep fealty to him; and all who shall grieve him shall be reprobate and infamous among the people, and shall so be and remain until they make satisfaction."[p] Great care was at the same time taken to deprive the secular ruler of the last shadow of influence over the assemblies of the church, by vesting the power to authenticate and correct the acts of all clerical synods exclusively in the Roman pontiff; by which provision even the indirect

Princes and subjects alike bound to obey the bishop.

[o] *Telesphori* ep., ubi sup. p. 658; *Pontiani* ep. i., ibid. p. 756.

[p] *Clement.* ep. i., *Mansi*, tom. i. p. 105.

action of the civil power to check the more pernicious excesses of ecclesiastical faction was wholly taken away whenever it might please the pope to encourage or to sanction sedition or rebellion.

Ultimate tendency of the Isidorian forgeries.

It is obvious that the Isidorian forgeries, adopted, as in fact they were, into the very form and substance of Roman legislation, might, in the hands of a vigorous pontiff, be used as a sledge-hammer to strike away the last link of the chain which bound the church to the state, as soon as more was to be gained than lost by the severance. But from the death of Louis the Pious, or rather from the critical period of his age,—the Field of Lies,—two centuries elapsed before the brightening prospects of the papacy held out sufficient encouragement to attempt the realisation of the ultimate design of the decretalists. All that could in the mean time be effected towards that object, was to accustom the laity to overlook or to forget that community of action, reciprocity of benefit, and coequal privilege, on which every chance of a cordial union of church and state must be calculated; and thereby to open out to the clerical body a boundless field of temporal power.[q]

[q] It is not affirmed that a matured plan of universal monarchy existed in the mind of any particular body or person among the Latin hierarchy. Instances of far-sighted design, extending to distant ages, and affecting future generations, are not very frequent in history, excepting perhaps in the single article of legislation. Yet it does often happen that the character and current of public conduct proclaim a general drift and tendency as clearly as if enounced in words.

BOOK VII.

CHAPTER I.

PRELUDE TO THE PONTIFICATE OF NICOLAS I.

Object of the Seventh Book—The period; its character—Gregory IV., his censure of the imperialist bishops—Intent of the censure—Judgment upon the authors of the false decretals—Success of the imposture—State of Rome—Sergius II. pope—Defence of Rome by Sergius II.—Prince Louis overreached by the pope—Coronation of Louis as "King of the Lombards"—Sergius refuses the oath of allegiance to the "King of the Lombards"—Successful resistance of Sergius II.—Election of Leo IV.—Inroads of the Saracens of Africa—Leo IV. fortifies Rome—Destruction of the Saracen fleet—The "Leonine city"—The Romans averse from the Frankish connection—Death of Leo IV.—Benedict III. pope—Deposition and imprisonment of Benedict III.—Iconoclasm in Rome—Expulsion of Anastasius, and restoration of Benedict III.—Election of Nicolas I.—Inauguration of Nicolas I.—Louis II. "bridle-groom" to the pope—Position of the Emperor Louis II.—Position and capacities of Pope Nicolas I.—Nicolas I. against the metropolitan privileges—Delinquencies of Archbishop John of Ravenna—Defeat and submission of John of Ravenna—Effect of the humiliation of Ravenna—Progress of decretalism—Appointments to bishoprics—Anschar archbishop of Hamburg—Anschar translated to the vacant see of Bremen—Objection to the translation, and canonical difficulties—Appeal to Rome, and decision of Nicolas I.—Issuing results of the cases of John of Ravenna and Anschar of Bremen—Intent of the pontifical assaults upon the metropolitan jurisdictions.

THE death of the Emperor Louis the Pious, and the division of the empire among his sons, gave the death-blow to the magnificent scheme of Charlemagne. A pragmatic union of church and state in the interests of religion and civilisation had dwindled into a hopeless speculation. The several constituencies, ecclesiastical and political, were cast adrift from each other, and every obstacle to their material attrition and conflict was removed. In this Book we shall have to contemplate the elements of discord thus turned loose

Object of the Seventh Book.

upon the world in two aspects: *first*, in their relation to the church, and the opportunities for self-aggrandisement they offered to the see of Rome at the expense of the general church constituency; and *secondly*, in their relation to the political state, and the facilities afforded to the papacy to push its advances upon the rights of kings, princes, and secular government generally.

Period; its character.

The period to which our attention is called, though short, is marked by events of great importance to the progress of this history. It comprehends the reigns of six popes. Among these we shall have to notice the pontificate of Nicolas I., whence we may date the commencement of that great development of the papal scheme which, rather more than two centuries afterwards, was exhibited to the world by Pope Gregory VII. The general design which had hitherto lurked in the authentic decretals and synodal acts of the popes had, in the Isidorian forgeries, assumed a more positive and practical form; and it will be perceived that the influence of these documents on the commerce of Rome with all outward bodies, both in church and state, is that which constitutes the *character* of the period upon which we are about to enter.

Censure of Gregory IV. upon the imperialist bishops.

It has been observed that Pope Gregory IV. retired from the "Field of Lies" in disgust. The prelates who had faithfully stood by the long-suffering Louis against his graceless sons were the objects of his bitterest resentment. These presumptuous men had dared to threaten him,—their "spiritual father," the "pontiff of the universal church,"—engaged though he were in encouraging rebellion and treason,—with excommunication. For this insult to the pontifical dignity they were now to suffer the outpouring of pontifical indignation. "Upon what pretence," said he to the offending bishops, "do you presume to address us as your 'brother,' to the derogation of the reverence due to us as your 'father'? What excuse, moreover, can you allege for setting up the mandate of the emperor against the sacred duty of attendance upon our person and obedience to our commands? Know you not that the com-

mands of the Apostolic See are holy? . . . . . Are you indeed ignorant that the dominion over the souls of men, which is pontifical, is *higher than the empire, which is carnal?* You presume to tell us that we came to you with unseemly menaces, and that we did thereby entail disgrace both upon the emperor and ourselves. These are mighty words. But which of us has done the most to bring discredit on the imperial authority,—you, who have committed acts deserving censure, or I, who administer merited rebuke? You, forsooth, remind us of our oath of fidelity to the emperor! But if, indeed, we had taken such an oath, how could we more perfectly fulfil it than by pressing upon his conscience the things he hath committed against the peace and unity of church and empire?[a] And you too, forsooth, have sworn obedience to him. Nay, but you, who now behold him breaking his pledged faith and plunging himself into perdition without an effort to bring him back into the straight path,—you it is who are guilty of perjury, for that, contrary to your oath of fidelity, you cease to labour for his salvation." Strenuously denying the right of Louis to make any change in a settlement sanctioned by the holy see, Pope Gregory affirmed that the innovation he complained of was the cause of all the intolerable evils which now afflicted church and state. He charged the delinquents as the authors and abettors of that iniquitous deed; he imputed to them malignant and selfish motives; he reproached them with ineptitude, folly, and perjury; and, in conclusion, he solemnly annulled the late ordinance for the division of the empire, upon the ground that they who promulgated it could have had no assurance that he, "the true lord and king," would approve it.[b]

Intent of the censure.

It will be observed that the fraternal relation which had hitherto subsisted between bishops

[a] In allusion to the rescinding of the settlement of 817: Book VI. c. v. p. 149.

[b] This letter of Pope Gregory IV. is inserted among the works of Agobard archbishop of Lyons. It was at one time supposed to have been composed by the latter; but *D. Bouquet* (Hist. de Fr. tom. vi. p. 352) says that Peter de Marca has triumphantly proved it to be from the pen of Pope Gregory IV. himself. Conf. the spurious decretal attributed to Pope Damasus: "Salva . . . in omnibus Apostolicâ auctoritate, ut nihil definiatur priusquam ei placere cognoscatur quâ *omnes suffultos esse oportet.*" *Damas.* ep. iv. § 9.

of all ranks,—a relation carefully reserved to them by Pope Gregory the Great,[c]—was now to be cast aside; all reciprocity of episcopal respect and honour was to be abrogated; the Roman pontiff was thenceforward to be treated as the spiritual father, to whom belonged of right all the authority of the parent over his child.[d] This brotherhood, therefore, as assumed by the episcopacy, was now a presumption to be rebuked; for the pontiff was "lord and king," to whom name or title implying equality was inapplicable. His approval, we now learn, was to be regarded as essential to every act of valid authority:[e] the commands of the temporal prince, unless approved by the pontiff, were no longer binding upon the subject;[f] his mandates were to supersede all civil and political duties; and oaths of allegiance were to command the obedience of churchmen only so long as the pope should adjudge the observance to be consistent with the duty owing to himself. In all other cases obedience became a crime—a perjury—a rebellion.

Judgment upon the authors of the false decretals.

Among the many eddies which interrupt and disturb the current of public events, it is often difficult to distinguish the true direction of the stream. Nor can we in such cases do more than point out some common drift or tendency, of which perhaps the existing generation is wholly unconscious. For this reason the historian is exposed to the reproach of imputing designs which were never entertained, and perhaps of casting obloquy upon the persons on whom those designs are charged. When, however, the subject of the story is *opinion*—political or religious—the historian must not be too anxious to avoid this danger; but rather meet it by a just distinction between those actors who do but swim with the stream, and those who, by storm-raising and violently disturbing the surface, accelerate the momentum, causing it to overflow its

[c] Conf. Book III. c. vi. p. 207.

[d] In strict analogy to the authority which the Roman civil law gave to the parent over the child.

[e] Conf. the following passages in the Isidorian decretals: Ep. *Clem. I.* ep. i., ap. *Mansi*, tom. i. pp. 97, 107, 108; *Anaclet.* ep. ii. p. 611; *Ejusd.* ep. iii. § 3, p. 618; *Calixti I.* ep. i. § 2; *Sixti I.* ep. i. §§ 4, 5.

[f] Conf. *Marcellini I.* ep. i. § 4, ibid, p. 1244; *Marcelli I.* ep. i. p. 1262.

banks, and sweep away the acknowledged limits of civil, moral, or religious duty. For evils of this character the actor, as distinct from his age, may be fairly held responsible; and wherever falsehood, voluntary error, or malignant motives are plainly apparent, these, or any of them, may be properly imputed. On this principle, the authors of the false decretals may be held amenable to the just censure of posterity. These men, whoever they were, knowingly indited and disseminated false and distorted views of Christian antiquity, with intent to sustain, for their own profit and advantage, a hierarchical scheme of later and strictly secular growth. The act was voluntary and premeditated, the motive was essentially corrupt, and the method tainted in all its parts with the coarsest fraud. The authors at the same time displayed a feeling of malignant and scornful jealousy towards the laity of their communion equally abhorrent from the letter and the spirit of the gospel and inconsistent with the faithful and affectionate performance of their duties as the guides and pastors of the flock of Christ.

Success of the imposture.

But the imposture was wonderfully successful, and once for all gave character and direction to the pontifical advances upon the liberties of church and state. A new impulse was imparted to public opinion. From this point of time the waters began to be troubled: and it will be our task to watch their alternate swellings and subsidings until they finally burst their banks, overwhelming the rotten bulwarks of civil and religious duty, and merging them all in the one great obligation of obedience to the spiritual monarch of the Seven Hills.

State of Rome.

Pope Gregory IV. took no further part in the dissensions of the Frankish princes. The remainder of his short pontificate was employed in fortifying the city and organising a more efficient system of defence against the Saracens, who swarmed upon his coasts, and carried their ravages to the gates of Rome.[g] At this point of time the republic was wholly dependent

[g] *Anastas.*, ap. *Murat.* tom. iii. pt. i. p. 226; and ibid. pt. ii. pp. 289-291.

upon its own resources. The relation of vassalage to the empire was never present to the thoughts of pope or citizens, except when driven by danger and necessity to seek protection against attacks they were unable to repel by their own unaided powers. As long as they could help themselves, nobility and people shared the independent spirit of the church, and were generally ready to support the pretensions of their pontiff against all but their own domestic factions. Thus, after the death of pope. Pope Gregory IV. in the year 843, the nobility of Rome elevated Sergius, a noble Roman, to the pontifical throne; and in contempt of the ordinance of Lothar and Eugenius II. (A.D. 824), consecrated him without waiting for the imperial license.[h] Displeased by this open defiance of his authority, the emperor despatched his youthful son Louis with a strong military force and a commission, consisting of laymen and ecclesiastics, to demand satisfaction for this infraction of duty and allegiance. In their advance towards Rome the imperial armies treated the papal states in all respects as an enemy's country. The bishops of Milan and Ravenna, with no fewer than twenty prelates of northern and central Italy, in resentment of the frequent encroachments of Rome upon their several jurisdictions and privileges,[i] joined the retinue of Louis.

Sergius II.

Against such an enemy the pope had little to depend upon but his spiritual weapons and the feeble walls of Rome. On their approach to the city the imperial host laid waste the country with fire and sword. But when they arrived in sight of the sacred domes and towers a sudden thunder-storm struck down some men of note in the army: a superstitious tremor stole over the minds of the soldiery; doubts arose of the lawfulness of the expedition; and at this crisis of dismay and hesitation a solemn procession issued from the city-gates, singing anthems and bearing their crosses and the banners of the church in their van, welcoming

Defence of Rome by Sergius II.

[h] Conf. Book VI. c. v. p. 132.

[i] *Anastasius* describes this expedition as a conspiracy "contra hanc (Romanam) universalem, et caput cunctarum ecclesiarum Dei," &c. In Vit. Sergii II., ap. *Murat.* tom. iii. p. 228.

the prince as if he had come upon a peaceful pilgrimage to the holy places. The procession returned in the same order, and was followed in respectful silence by the army and its chiefs to the steps of the great basilica of St. Peter without the Walls. To the excited minds of the rude visitors, already balancing between vulgar passion and religious apprehension, this well-timed display proved an effectual sedative. Sergius II. availed himself of the opportunity with skill and courage. After closing the city-gates, and manning the walls with his best soldiery, he took his station upon the steps of the church, surrounded by all that could impart religious dignity and splendour to the reception. On the approach of Louis, the pontiff advanced and embraced the prince in the presence of the assembled multitude, and led him by the right hand into the vestibule of the church, to where the silver gates gave admittance to the body of the sanctuary. Here the pope suddenly stood still; at his command the portals were closed; and Sergius, turning abruptly to the surprised and dazzled prince, uttered the solemn admonition: "If you have come hither with a pure heart and single will, to bring life and safety to this our republic, city, and church, enter with me into these gates; if this be not your intent, never shall they with my consent open to receive you."

Bewildered by the unexpected display and the solemnity of the papal address, the youth forgot his part. He promptly replied that his mind was free from every evil purpose or device. The pope accepted the word of Louis as a disavowal of the whole object of the expedition; then, pressing his hand against the silver portals, they flew open, and disclosed the glories of the shrine, decked with all the pomp of Roman religion, to the gaze of the astonished novice. The clergy arrayed within received him with uplifted voices, chanting the sacred salutation, "Blessed be he that cometh in the name of the Lord." The prince and all his retinue bowed to the earth before the shrine, and gave loud thanks to God and the prince of the apostles for the inestimable privilege of worshiping in his sanctuary.

Prince Louis overreached by the pope.

A week passed away in oblivion of all but religious exercises and devotional visits. Meanwhile the gates of the city remained closed and vigilantly guarded, and the surrounding country abandoned to indiscriminate pillage for the support of the martial pilgrims. Still no change appeared in the demeanour of the pontiff towards his royal visitor. On the following Sunday, Louis and all his retinue, attended by the Roman nobility and priesthood, were assembled in the basilica of St. Peter. During the service Sergius took from the altar a golden crown of costly workmanship, and placing it on the head of the prince, he anointed him with holy oil to be the *King of the Lombards*, and begirt him with the sword of royalty.

Coronation of Louis as "King of the Lombards."

The religious delirium in which the pope had hitherto managed to retain his licentious guests had unhinged their purpose, and introduced hesitation and uncertainty into their movements. But the Italian prelates, who had probably partaken little of the enthusiasm of the moment, at length broke silence. A war of angry words arose between the Archbishop of Ravenna and the pope, and the new king suddenly called to mind the original purpose of the expedition. Louis broke in upon the controversy raging between the ecclesiastical chiefs with a formal demand that the nobility and people should take the accustomed oath of fealty to him as *King of Italy* and sovereign prince of Rome and Romans. Sergius boldly denied that any such fealty was due to the *King of the Lombards;* and protested that no power on earth should prevail with him to take that oath himself, or to permit it to be taken by the nobility or people of Rome. Neither he nor the citizens, he said, had dreamt of conferring upon Louis any right to their allegiance in virtue of his new title. The pope shrewdly discerned that, as king of Italy, Louis might lay claim to a direct dominion, and that the oath demanded might introduce the ordinary relation of sovereign and subject between himself, the pope, and the republic. Sergius therefore proposed, if it should so please the king, that the usual oath of fidelity to the

Sergius refuses the oath of allegiance to the "King of the Lombards."

emperor should be administered. The obligation which, in the papal view, the latter oath was supposed to introduce, resulted wholly from the religious compact between church and state, whereby, in consideration of the covenanted protection, such political rights were conceded to the empire as should be requisite for the discharge of the duty incumbent on him solely as the protecting power. Considering the matter in this light, the pontiff was not unwilling to surrender to the emperor, as patrician, the command of the military forces of the commonwealth, or even the administration of the laws, where his own powers or those of the republic were found inadequate to defend the frontiers against foreign enemies or to punish crimes dangerous to the civil government and the interests of the church. But, with all this, the pope recoiled from any thought of admitting a relation between the emperor and himself at all resembling that of sovereign and vassal, and Sergius warily declined to permit Rome and its dependencies to melt into a *kingdom of Italy;* a position in which no patriciate or protectorate would interpose between the king and the pontiff, and which would therefore involve him in the ordinary obligations of civil subjection.[j]

Successful resistance of Sergius II.

The proposition of the pope seems to have been adopted, and Sergius took the usual oath of fidelity to the emperor as patrician; but gave no satisfaction for his contempt of the imperial rights committed at his election, nor did he offer any security against a repetition of the like evasion for the future. All this time neither the prince nor a man of his retinue had set foot within the walls of the city; and, like many a Lombard king before him, the titular monarch was compelled to retrace his steps from the unapproachable walls of the holy city. The pontiff had added the name of a great-grandson of Charlemagne to the list of Frankish princes who had accepted the diadem as of the spontaneous gift of the holy see. Louis received the crown of Lombardy without license or authority from his father Lothar. Anastasius no doubt describes cor-

[j] Conf. Book VI. c. iv. pp. 107, 108, on the patriciate.

rectly the childish delight of the boy-king with the glittering bauble; nor does the transaction appear to have met with objection or protest on the part of the emperor. In the hands of the pope, crowns had proved both cheap and advantageous bribes; and while Louis carried away his splendid toy, the chiefs of the Frankish host were gratified with such honours and distinctions as the pontiff had it in his power to bestow.[k] On the other hand, the malcontent Italians and the Frankish complainants, who had accompanied the expedition in the hope of redress,[l] found their grievances quietly consigned to oblivion; and in the end the calm courage and sagacity of Sergius II. was rewarded by a decisive victory at once over his spiritual and temporal foes.

Election of Leo IV.

Pope Sergius II. died in the year 845, and left the republic beset with dangers both from within and from without. The African Saracens were at that point of time the almost undisputed masters of the island of Sicily, and were engaged in active preparations to extend their conquests to the continent of Italy. At this crisis there was a momentary hush among the factions which agitated the city; and all parties felt the importance of substituting for the deceased pontiff an efficient head of the government. The Saracen fleets were already swarming upon the coasts; no time was allowed for the usual application to the emperor; and the Romans hastily elected Leo, a man of noble birth and known capacity, to occupy the post of danger and duty. But inasmuch as election without consecration must have placed the new pontiff in an uncertain, because revocable, position, and must have left him exposed to the attacks of the defeated factions, the church and citizens, after short deliberation, consecrated the new pontiff, under re-

[k] Drogo, bishop of Metz, the maternal uncle of Louis, received a commission as vicar-general of the pope in France. But the Gallic bishops refused to recognise the commission; and Drogo prudently abstained from asserting its rights at the risk of a schism. See the letter of appointment, addressed to the Transalpine bishops, ap. *D. Bouq.* tom. vii. p. 383, with the editor's remarks, and extract from the Epistles of Hincmar of Rheims on the commission of Drogo.

[l] To wit, Ebbo, archbishop of Rheims, who had been deposed for his participation in the rebellion of 833, and probably some others who had suffered in the same cause.

serve of fealty to the empire, and accompanied by an apology to the emperor grounded upon the urgent necessity of the case.

Yet even before the republic had provided itself with a head capable of encountering the crisis, the Saracens were already before the gates of Rome. They had taken and plundered the towns on the coast, and ravaged the surrounding country without mercy; they had emptied out and desecrated the rich basilicas of St. Peter and St. Paul without the Walls, and had retired to their ships laden with spoil and carrying away multitudes of captives. This calamitous inroad,—for in this instance it was no more,—called forth all the energies of Pope Leo IV. By courage, resource, and presence of mind, he restored the confidence of the citizens in themselves; he provided funds for the restoration of the ruined sanctuaries; he obtained from the emperor a ready forgiveness for the irregularity of his election, and a round contribution towards the repair of the damages inflicted by the enemies of the faith. Then, with a view to secure the holiest of the holy places from the like fate for the future, he conceived and executed with wonderful despatch a project for surrounding the whole suburb of the Janiculum with a strong wall and flanking towers. While this great work was in progress, he repaired and improved the fortifications of the city; and by setting an example of cheerful fortitude, inspired all classes with the confidence requisite to meet the approach of the still more formidable invasion then known to be in preparation against the city and territory of Rome.

Inroads of the Saracens of Africa.

Leo IV. fortifies Rome.

In the year following the first inroad it was reported that the Saracens were again at sea. The walls of the Vatican were still incomplete, and the maritime towns of the republic,—Portus, Centumcellæ, and others,—were destitute of any naval armament capable of encountering the enemy at sea or impeding a landing upon any part of the coast. But the pontiff found ready and active allies in the new commercial republics of Amalfi, Gaeta, Salernum, Naples, and

Destruction of the Saracen fleet.

others along the neighbouring coasts, which had within a few years sprung up out of the ruins of the Byzantine dominion in southern Italy. The citizens of these free states had become sensible that their own battle was to be fought on the Roman shores; and they hastened thither, with all the armed vessels they could muster, to repel the common enemy from their coasts. The pontiff, after due inquiry, to guard against surprise or treachery, hastened to Portus to salute his new allies, and formally committed the sacred bodies of the apostles Peter and Paul to their protection. On the following day the Saracen fleet appeared in the offing. The Christian warriors put to sea to encounter them; but before they could join battle, a sudden tempest parted the combatants: the confederates reached the port under their lee with trifling damage, while the ships of the enemy either foundered at sea or were stranded on the hostile coast, and their luckless crews became the captives of an exasperated populace. Great numbers were suspended upon gibbets along the shores, and many more were carried away to Rome to expend their sinews in completing the defences of the city against their own kinsfolk (A.D. 849).

The "Leonine city."

Meanwhile the works for the defence of the city had proceeded with little intermission; and within four years of their commencement the basilica of St. Peter and the area of the Vatican were enclosed within a wall capable of defying the siege-tactics of the age. The newly-fortified quarter received from its founder the name of the "Leonine city;" and on the 27th June in the year 850 the ceremony of consecration was performed with all the pomp and festivity which the occasion naturally suggested. The inhabitants of the coast-towns returned to their deserted dwellings; and the pontiff, after providing for the more urgent demands of the public defence, expended large sums upon the fortifications of the important towns of Portus and Centumcellæ.[m]

The close of this able and active pontificate was embittered by civil disturbances, which may be traced to the

[m] Our authority for the pontificates of Sergius II. and Leo IV. is the Liber Pontificalis of *Anastasius*, ap. *Murat.* Ss. Rr. Ital. tom. iii.

aversion of the Romans from the Frankish connection. For all the assistance they had received from their covenanted protectors during their late distresses, they felt that they might as well have never cast off their dependence upon the Byzantine state. Free republics had been starting into existence around them with little disturbance from that feeble and distant power; while they themselves were suffering almost as much from the shepherds within, as from the wolves without their fold. Deserted in their extremity, and smarting under the recollection of recent calamity, a faction favourable to a re-transfer of allegiance to the Byzantine state was gradually drawn together. A traitor to the party, however, reported to King Louis that Gratian, the captain of the Roman militia, was actually engaged in a conspiracy with a numerous faction in the city for the expulsion of the imperial judges and other Frankish officials, and the erection of Rome into an independent state under the protection of the Emperor Michael III. of Constantinople. Louis lost no time in encountering the danger, and was probably not sorry for the opportunity of once more indulging his predatory followers with the plunder of the territories he had been unable or unwilling to defend. The young king was received by the pope with the accustomed honours and submissions, and admitted within the precinct of the Leonine city. Gratian, under the protection of the pontiff, obtained leave to defend himself with freedom; the charge was ultimately pronounced slanderous and unfounded, and the luckless traitor was delivered for punishment into his hands. The Frankish troops evacuated the city; and a few days afterwards the excellent pontiff sank into the grave, mourned and regretted by the people he had served and saved.[n]

The Romans averse from the Frankish connection.

Death of Leo IV.

Leo IV. died in the month of August 855, and the clergy and nobility of Rome chose Benedict, cardinal priest of St. Calixtus, to succeed him. In conformity with treaties, they despatched Nicolas bishop of Agnani, and Mercurius, the master of the militia,

Benedict III. Pope.

[n] *Anastas.* Vit. Leon. IV., ap. *Murat.* tom. iii. p. 246.

to the Emperor Lothar with the election-roll, and a humble request that he would approve and confirm the record. The envoys do not appear to have proceeded further than the court of Louis, who had by this time been acknowledged as colleague and successor of his father.[o] The spirit of faction travelled with them; and on their return from Pavia, accompanied by imperial commissioners, they were persuaded by a certain Arsenius, bishop of Eugubium, to renounce the cause of Benedict, and to salute as pope Anastasius, cardinal priest of St. Marcellus, whom Leo IV. had deposed and banished for contumacy and disobedience. The exiled priest had taken up his abode in Aquileia, where it appears that the iconoclastic heresy had made alarming progress. Under favour of the envoys, the party of Anastasius had gradually increased in numbers; many bishops of northern Italy—even the imperial commissioners—joined his retinue; and thus strengthened, the federates advanced confidently towards Rome to enthrone their candidate. The party found almost immediate admittance into the Leonine city, where a scene was enacted of which it is difficult to offer a sufficient explanation.

Deposition and imprisonment of Benedict III.

The first act of the intruder was to break in pieces and to burn all the sacred images he could find in the basilica of St. Peter. With a pole-axe he dragged an effigy of the Blessed Virgin from its pedestal, and effaced the picture or symbol of a sacred synod which Leo IV. had caused to be delineated over the principal porch of the church. These inexplicable acts of sacrilege neither offended nor alienated his adherents; and, with their zealous assistance, he stormed the city, and possessed himself of the palace of the Lateran, where his rival fell into his hands. After stripping Benedict of the pontifical robes and insignia, and clothing

Iconoclasm in Rome.

[o] But a meagre entry in the *Annales Bertiniani* (*Pertz*, tom. i. p. 445) is our only authority for this fact. He is there said to have been sent by Lothar to Rome (A.D. 850), to be crowned emperor by Leo IV. There is no other intimation to be found in any writer of the age that Louis was either crowned by his father, or by any contemporary pope (Benedict III., Nicolas I., Hadrian II., or John VIII.).

himself in the spiritual "spolia opima" of his captive, he seated himself triumphantly upon the pontifical throne, and committed Benedict to the custody of two of his own confederates, whom, like himself, Leo IV. had deposed for criminal irregularity of life. But this success was of short duration: the Roman clergy and people stood firm to the interests of Benedict, and repelled the pretensions of the intruder with horror and disgust. His friends and partisans, meeting with little support within the city, gradually fell away from him; and the imperial commissioners, finding that nothing was to be gained by affording further support to a sinking cause, withdrew their countenance. Anastasius was accordingly expelled from the city with disgrace; Benedict was released, and consecrated with the free consent of the commissioners, amid the shouts and acclamations of the populace, and—it is said—the repentant tears of his late opponents.[p]

Expulsion of Anastasius, and restoration of Benedict III.

Thus the spirit of faction was, for the moment, either subdued or silenced; and at the death of Benedict III., in the month of April 858, the deacon Nicolas was raised to the pontifical throne by the unanimous suffrages of the emperor and the church and people of Rome.[q] The new pontiff had been the friend and minister of Sergius II. and Leo IV. amid all the dangers and difficulties through which those able pilots had steered the bark of the church. His personal qualities had made him many friends; among them the Emperor Louis II., who, by the death of his father Lothar in the month of September 855, had united in his own person the imperial title and the crown of Italy. The new pontiff was inaugurated and enthroned in the presence of the emperor and his court; and on the third

Election of Nicolas I.

Inauguration of Nicolas I.

[p] *Anastas.* Vit. Bened. III., ap. *Murat.* tom. iii. pp. 247-249. It is clear that the commissioners were empowered by Louis to consent both on his own part and that of his father. Might not this be an attempt to impose a pope upon the Romans by imperial nomination? The conduct of the commissioners is hardly explicable upon any other supposition.

[q] The *Bertinian Annalist* (ann. 858, ap. *Pertz*, tom. i. p. 452) says that Nicolas was indebted for his election more to the presence of Louis and his retinue than to the disposition of the clergy. But the narrative of Anastasius (Vit. Nicol. I., ap. *Murat.* tom. iii. pp. 252 et sqq.) is too circumstantial to leave any doubt that the clergy freely designated him and completed the election without any apparent external interference.

day after the solemnity the latter entertained him at a state-banquet, and then withdrew to a short distance beyond the walls of the city to receive the return-visit of the pontiff. On the morrow, as the pope, escorted by the nobility and clergy, approached the imperial camp, Louis advanced to meet him; and descending from horseback, took the reins of the pope's palfrey, and led him forward the length of a bow-shot, after the ordinary custom of a bridle-groom.[r] A sumptuous feast was then served in the imperial tents, and Louis again escorted the pope a like distance on his return. Arriving at a broad and public part of the road, the emperor dismounted, and once more performed the same menial duty; after which ceremony the pontiff in his turn dismounted, he embraced and kissed the emperor: "and thus," says the biographer, "they lovingly took leave of each other."[s]

Louis II. bridle-groom to the pope.

A motive for this self-humiliation may perhaps be detected in the political position of the Emperor Louis II. Though he wore the imperial diadem, he was, in the extent of actual dominion, the weakest of the Carolingian princes. As the eldest son of Lothar I., he was as little likely as his father to rest contented with the share assigned to the latter by the treaty of Verdun in the year 843; and when, after his father's death, his younger brother, Lothar II., became possessed, as king of Lorraine, of the entire Gallic patrimony of his house, Louis II. found himself confined within the limits of Italy, with but a little wider extent of territory than that which formerly constituted the kingdom of the Lombards. Hitherto all his efforts to enlarge his dominions beyond that limit had failed; and it is more than probable that jealousy and disappointment had done more to cement his alliance with the pontifical

Position of the Emperor Louis II.

[r] "Pedestri more" are the words of Anastasius; but referring back to the like incident in the reception of Stephen III. by Pippin in the year 753 (conf. Book IV. c. vi. p. 381 of this work), the emperor may be presumed to have imitated his ancestor, and to have acted "vice stratoris" (literally as bridle-groom) to the pontiff.

[s] *Anastas.* Vit. Nicol. I., ap. *Murat.* tom. iii. pp. 252, 253. *Sigonius* (de Reg. Ital. Op. tom. ii. pp. 308, 309) improves upon the story of Anastasius: he says that when Louis took leave of the pope he kissed his feet. But Anastasius does not mention the incident.

court than reverence for the office, or affection for the person, of the pope.

Position and capacities of Pope Nicolas I.

Periods of entanglement and confusion in the relations of secular princes and governments have always proved the most favourable to the development of the peculiar powers of the Roman pontificate. For more than a century past the spiritual weapons may be said to have rusted in the papal armory. The lust—perhaps the necessity—of territorial acquisition had engrossed the attention of the pontiffs of the preceding age, to the exclusion of those objects of spiritual conquest so zealously and so successfully pursued by their predecessors of the sixth and seventh centuries. And now, within a few years of the accession of Nicolas I., the ravages of foreign enemies, the depredations of ostensible protectors, and the prevalence of domestic faction, had combined to avert the eye of Rome from her natural vocation. But the accession of the new pontiff seemed the signal for a total revolution in the position and prospects of the papacy. All the more recent causes of languor and debility had ceased to weigh upon the spiritual life of Rome. The Saracens had been driven from the coasts of the republic; a strictly Italian kingdom was now interposed between the holy see and its insolent and predatory protectors the Franks; internal faction was quelled, at least for a time: and now the true path of the papacy, however overgrown with weeds and briers of a century's growth, lay clearly revealed before the vigorous intellect of the reigning pontiff; and he once more felt himself at liberty to deal with the powers of the world as the spiritual monarch,—the "true lord and king," as he stood entitled upon the pseudo-apostolic charter so lately lodged in the sacred archives of his church. With the decretals, genuine or fictitious, of his sainted predecessors for his clue, the world's confusion for his friend and ally, the example of his renowned precursors for his stimulus, and his clear understanding and resolute will for his guides, Nicolas I. plunged into the labyrinth of mundane affairs without hesitation or misgiving. And though it be true that ability without

opportunity is of little avail to a successful career, yet great capacities often create the opportunities required for their exercise and expansion. Nicolas I. was fortunate in both respects. Occasions were not wanting for the exertion of his equally various powers of understanding and character; and certainly no prince of his age could vie with him in the faculty of fertilising the field of opportunity.[t]

Nicolas I. against the metropolitan privileges.

The first occasion to draw upon the recently discovered treasury of pontifical privilege arose out of the discontents of the Italian primates at the manifold encroachments of the Roman pontiffs upon their jurisdictions. The districts over which the three metropolitan prelates of Milan, Aquileia, and Ravenna presided had at no period of time formed any part of the so-called suburbicarian provinces, and consequently lay out of the ordinary jurisdiction of the bishop of Rome. The metropolitan powers had been for ages exercised by the arch-prelates of those sees independently of all foreign interference; till by gradual encroachment, under the name of appeal, and by favour of imperial connivance or support,[u] the pontiffs had acquired a certain control over the nomination and consecration of the provincial bishops, to the serious detriment of the metropolitan privileges. This transgression of their ordinary powers by the popes of Rome had been at different times resented by the archbishops both of France and Italy.[v] Hitherto the latter had defended their ancient rights with spirit and success; but the publication of the Isidorian decretals brought with it a great change in their position. Their claims, though resting upon the foundation of the clearest ecclesiastical law, stood in direct contradiction to the principle of those documents. The decretals, as before observed, aimed unequivocally at the overthrow of a power in the church which stood in the path of Rome to the acquisition of a direct control over the whole prelacy of the Latin com-

[t] See the character of Nicolas I. in Rhegino, Chron. ann. 868, ap. *Pertz*, tom. i. p. 579.

[u] Chiefly in virtue of the edict of Valentinian III. See Book II. c. iv. p. 353.

[v] Conf. Book I. c. viii. pp. 188, 189, 192; Book V. c. ii. pp. 448-451.

munion; and Nicolas I. hastened to proclaim himself the champion of the new prerogative.

Delinquencies of Archbishop John of Ravenna.

The first blow fell upon the head of the archbishop of Ravenna. Complaints reached the ears of the pope that the primate John had presumed to consecrate bishops within the province of Æmilia; a district forming, indeed, a portion of the donation of Pippin, but which had originally belonged to the Greek exarchate, consequently lying within the metropolitan jurisdiction of the provincial patriarch of that dependency. But, more than this, Archbishop John was accused of the unpardonable offence of *prohibiting appeals to Rome* from the decisions of his own court, and of holding possession of lands and revenues appertaining to the patrimony of St. Peter. To these delinquencies was added a supplemental list of offences against ecclesiastical law, and various acts of injustice and oppression[w] practised upon his own bishops and clergy.

Defeat and submission of John of Ravenna.

The provincial prelacy were, in fact, willing enough to disembarrass themselves of the irksome superintendence of their metropolitans, and readily lent themselves to the designs of Rome. Archbishop John in vain drew from the dust of his archives the inoperative privilege granted to his see by the Byzantine emperor Constans II.[x] Nicolas contemptuously passed over both the grant and the subsequent revocation as irrelevant to the question at issue, and peremptorily claimed the bishops of Æmilia as subjects of the holy see in virtue of the donations of Pippin and Charlemagne. As to the archbishop himself, he declared the misdeeds proved against him to be such high and flagrant contempts of his "apostolate" as, in virtue of his office as the "*lord of God's inheritance*," it became him to visit with exemplary rigour.[y] He therefore com-

[w] *Anastas.* Vit. Nicol. I., ap. *Murat.* tom. iii. p. 255; conf. *Murat.* iii. pt. ii. pp. 104, 105.

[x] See Book V. c. ii. pp. 449, 450; conf. *Murat.* Ss. Rr. Ital. tom. ii. p. 146.

[y] The terms "apostolatus noster" are used for the first time by Pope Nicolas I. as the proper designation of the papal person and office. As Peter was an apostle, so now the pope, as his representative and successor, was presumed to hold his apostolate, in the character and with all the powers he received from Christ. For this assumption Nicolas found abundant warrant in

manded him to abstain from every act of authority inconsistent with ecclesiastical law as it stood upon the statutes of the church and the custom of the Ligurian, Venetian, and Histrian provinces; and denounced excommunication and anathema against disobedience to his mandate. The archbishop persisted in the exercise of his metropolitan rights; and was pronounced by the pope an alien from the flock of Christ, and numbered among the accursed. Deprived of the emperor's support, and deserted by his suffragans, the condemned prelate hastened to make his submission to the pope; he confessed his error, and explicitly renounced every article of his late pretensions both on his own behalf and that of his successors.[z]

Effect of the humiliation of Ravenna.

Though the humiliation of Ravenna was equally threatening to the independence of Milan and Aquileia, we do not hear of any direct attack upon those sees. Nicolas was in no haste to encounter enemies who held a more defensible position than the archbishop of Ravenna. The provinces of Milan and Aquileia lay beyond the limits to which the Carolingian donations could be made to extend; and neither prelate was in a position to do any act directly conflicting with the papal claims, ecclesiastical or territorial. Yet the downfall of the Ravennatine primacy could not but operate to weaken the bulwarks of the metropolitan authority; the road to Rome was made straight and level to suffragans and clergy, and the gradual subsidence of ecclesiastical government into the channel hollowed out for it by decretal industry was effectually provided for.

Progress of decretalism.

About the same period the tide of ecclesiastical opinion was setting in in the same direction in other divisions of the great Latin communion. In France it flowed slowly and sullenly; in Germany it advanced with an accelerated current. The appointment of Anschar, archbishop of Hamburg, to the see of Bremen may afford some measure of the extent to which

the Isidorian collection: see particularly *Clem.* ep. i., ap. *Mansi*, tom. i. pp. 91, 97; and *Anaclet.* ep. iii. § 3, ibid. p. 616.

[z] The terms of the submission were settled at a convocation held at Rome in the year 861, the fourth year of the pontificate of Nicolas I.

clerical opinion was affected by the novel principles of papal government disclosed in the recently-published code of ecclesiastical law.

Hitherto the creation of new bishoprics had rested with the temporal lord or prince, who alone possessed the funds for their endowment and the means for their defence. Neither metropolitans nor the comprovincial bishops opposed the induction of the prelate recommended by the founder; and thus each new see was provided with a pastor without reference to Rome, or any other than domestic authority. In this way Charlemagne had erected the village of Hamburg on the estuary of the Elbe into a bishopric, to serve as a seminary for his missions to the Sclavic borderers, and the civilisation of the swarms of pirates and freebooters periodically issuing from the coasts of Jutland and Norway to ravage the coasts of France and Belgium. Louis the Pious had instituted the eminent missionary priest Anschar to the new see, and raised it to the dignity of a metropolitan church, with jurisdiction over an indefinite extent of unappropriated territory to the northward and eastward of the Elbe. The anxious desire of Louis for the papal approbation appeared in this, as in almost every other important transaction of his reign; and Anschar was sent to Rome to solicit the ratification of Gregory IV. to the imperial appointment. The pontiff confirmed the record of institution, and conferred the pallium upon the new archbishop as *legate and vicar* of the holy see within the province assigned to him by the emperor.

Appointments to bishoprics.

Anschar archbishop of Hamburg.

But a few years afterwards Hamburg was destroyed by the Normans; and, at the suggestion of King Louis of Germany, Anschar was translated to the see of Bremen, vacant by the death of its bishop Leuderich. The validity of the act was, however, open to canonical objection. Both the spirit and the letter of ecclesiastical law were adverse to the migration of bishops from one see to another;[a] and the

Anschar translated to the vacant see of Bremen.

[a] See can. xv. Concil. Nicæn., ap. *Harduin.* tom. i. p. 330; can. i. and ii. Conc. Sardic. ibid. p. 638. The ancient law respecting translations is discussed

practice itself was of rare occurrence, though not altogether without precedent. The synod to which the question was referred resolved that, inasmuch as the archbishop of Hamburg had been expelled from his see by a heathen enemy, and could not be reinstated, it was expedient that a see should be assigned to him; that this expediency ought to prevail over the letter of the law; and that it was within the competency of the synod, without recourse to the holy see, to consecrate and induct him into the vacant chair.

Objection to the translation—canonical difficulties.

Little more would probably have been heard of the transaction, if Gunthar archbishop of Cologne had not objected to the severance of Bremen from his province in favour of a new metropolitan. He contended that it was not competent to the temporal power to dismember any ecclesiastical jurisdiction, and that the synodal authority of the province could not proceed without the sanction of the holy see. In fact, transactions of this nature were always regarded as matters requiring grave deliberation and caution. They fell within the class of the "majores et difficiliores causæ" of the decretalists;[b] and a synod, assembled at Worms in the spring of the year 858 to consider the course to be pursued, resolved that each party should send deputies to Pope Nicolas, and that the dispute be unreservedly committed to his decision.

Appeal to Rome, and decision of Nicolas I.

The pope received the delegates with great courtesy; he approved their dutiful submission; and, after mature deliberation, confirmed the act of separation, and ratified the translation of Anschar on the ground of the paramount necessity of providing

with his usual learning and candour by *Van Espen*, Jus. Eccl. Univ. &c. tom. i. pp. 119 et sqq. See also can. xxi. and xxii. Conc. Antioch., ap. *Hard.* tom. i. pp. 602, 603. The Apostolic Canons (can. xiii., ap. *Harduin.* ubi sup. p. 11), however, qualify the general prohibition, and appear to admit of translations under special circumstances. But this is inconsistent with the older canons on the subject, in all of which the prohibition is unqualified.

[b] The decretal attributed to Pope Anterus among the Isidorian forgeries seems, indeed, to leave the decision of the questions of necessity and expediency to the bishops of the province: Anteri Pap. Ep., *Mansi Concil.* tom. i. p. 763. But as every case of this nature fell within the description of "majores causæ," it followed as a matter of course that the ultimate decision must rest with the Roman pontiff. See *Anaclet.* Ep. ep. iii. § 4, ibid. p. 618.

for the conversion of the heathens of the north. The two dioceses of Hamburg and Bremen were thenceforward to form one province, free and exempt from the jurisdiction of the archbishop of Cologne. The decree concluded with the denunciation of anathema upon all who should wilfully infringe its provisions; "in order," as it was alleged, "to secure them against all danger of infraction, and with a view to the exaltation of the apostolical dignity, and the promotion of the cause of God against all His adversaries."[c]

Issuing results of the cases of John of Ravenna and Anschar of Bremen.

The cases of John of Ravenna and Anschar of Bremen furnish a measure of the progress of the new decretal scheme. In both cases the royal authority had bowed to the will of the pontiff. In Italy, the Emperor Louis, who was strongly disposed to support the patriarch against the pope, had abandoned the rebellious subject of Rome. In Germany, Louis, the king, had dutifully submitted a cause, of which doubtless his grandsire would have taken the decision upon himself, to the adjudication of the pontiff. But it now appeared prominently upon the statute-book of the church "that the unlawful judgments or constitutions of kings, princes, and others in authority, are void" —that "no proceedings adverse to the constitutions of apostles, evangelists, prophets, *or their successors*, shall have any force or effect."[d] Both cases came under the description of the "difficiliores causæ," and both equally belonged to the class of "episcopal causes," in which, upon decretal principles, no judgment but that of Rome could be in conformity with "the constitutions of apostles, evangelists, prophets, and their successors;" consequently no judgment but that could satisfy the requirements of the new law. A power thus constituted swept before it every judicature, temporal or spiritual, which might impede the interposition of the pontiff in any mat-

[c] Vit. S. Anscharii, cc. xii. xiii. xxii. xxiii., ap. *Pertz*, tom. ii. pp. 678, 706.

[d] *Calixti I.* Ep., ap. *Mansi*, tom. i. p. 737; *Marcellini* Ep. § 4, ibid. p. 1244. By the terms "unlawful judgments," as used in this conjunction, we are to understand all judgments in ecclesiastical affairs proceeding from the sovereign, the state, or secular persons. All such are "unlawful:" there could be no lawful interposition of the laity in such affairs.

ter in which a bishop was concerned. Doubt and hesitation were thus introduced into the councils of the church and the state; princes shrank from, or took a colder interest in, the spiritual welfare of their subjects; and the bishops themselves were not unmindful of the relief which an ever-ready appeal to Rome afforded them against all the ordinary checks upon their own irregularities or corruptions.

Intent of the pontifical assaults upon the metropolitan jurisdictions.

Within this period of papal history we recognise a growing aversion from all intermediate jurisdiction or authority interposing between the pontiff of Rome and the great body of the episcopacy. It was indispensable to the success of the scheme of papal government to obtain, *quâcunque viâ*, a surrender of the metropolitan powers as hitherto exercised; because by such surrender alone could a direct communication between the episcopacy and the holy see be maintained, and the intermediate judicature which checked the action of Rome be removed. The design did not, however, aim so much at the suppression of that authority, as at an adaptation requisite to convert it into a convenient instrument of pontifical government. The dislike was checked and modified by a sense of the necessity of some such authority for the management of so complicated and expansive a scheme; and every effort of the able pontiff who now occupied the chair of Peter was therefore directed to master its movements, and to convert the metropolitans into the obedient ministers and servants of the pontifical will.

The incidents to be adverted to in the ensuing chapter will, we think, furnish abundant illustration of the course of policy adopted for the accomplishment of this favourite object of papal government.

CHAPTER II.

CONTROVERSY—NICOLAS I. AND HINCMAR OF RHEIMS.

Election and character of Hincmar archbishop of Rheims—Prosecution of Rothald of Soissons—Complaint and appeal of Rothald—Nicolas I. in the cause of Rothald—Arrogant censures of Pope Nicolas I.—He decrees the restoration of Rothald—Specific grounds of the opposition of the Gallic churches—Reply of Nicolas I.—Plea of Pope Nicolas for the reception of *the whole Roman tradition*—He adopts the Isidorian forgeries into the body of Roman law—Method of Nicolas I. in dealing with ecclesiastical law—His arrogant mandate to the king and the primate—Remonstrance and apology of Hincmar—Hincmar on the metropolitan powers—Defence of the proceedings in the case of Rothald—Powers of the holy see are *extraordinary* and exceptional; not arbitrary, but to be ruled by the "necessity" of the case—Threatened results of the papal encroachment—Scope and intent of the apology—Arbitrary reinstatement of Rothald—Affair of Wulfoald—Hincmar defends his proceedings to the pope—Resentment of the pope against Hincmar—Sophistry of Nicolas—Restoration of Wulfoald—Success and death of Pope Nicolas I.—Summary—State of the controversy of metropolitan rights.

Ebbo, archbishop of Rheims, had become implicated in the rebellion of the sons of Louis the Pious which broke out in the year 833. After the restoration of that prince, the archbishop was impeached and deposed for the crime of treason. Though afterwards reinstated, he appears either to have resigned the see or to have consented to a second deprivation; and in the year 845 the metropolitan chair was filled by the unanimous election of Hincmar, a learned canon of the collegiate body of St. Denis. The lot of the new primate was cast in an age of extreme danger and public calamity. The marauding ravages of the Northmen spread terror and dismay throughout almost every region of Neustrian France. The defence of the maritime provinces had fallen from the hands of the imbecile descendants of Charlemagne, and rested solely upon the unconnected efforts of local chiefs and an impoverished

Election and character of Hincmar archbishop of Rheims.

and despairing people. Internal disorders both in church and state—evils of themselves sufficient to account for the rapid decline of the Carolingian dynasties—combined with external perils and incessant suffering to reduce the spirit of the nation to the depths of dejection and self-abandonment. Few men of discernment looked with hope to the future, and fewer still possessed the firmness of character capable of rising above the sea of troubles which threatened to engulf and overwhelm every element of society. Yet among this few we may honourably distinguish the name of Hincmar archbishop of Rheims. Amid political and social prostration Hincmar stood erect; not, indeed, as a warrior or a statesman, but as a beacon to mark the only path to safety—an inspiriting example of firmness of purpose, self-reliance, and courage. In him a naturally imperious and irascible temper was controlled by learning above the standard of the age in which he lived, and a judgment not easily diverted from its purpose by the passion of the moment. The political importance of the see of Rheims placed him at once in the highest rank of the councillors of the crown, and its remoteness from the coasts secured him from the inroads which swept and desolated the maritime provinces. In this position he continued for a period of nearly forty years to oppose a manful and, upon the whole, a not unsuccessful resistance to the manifold evils which afflicted both the church and state of Neustrian France.

Prosecution of Rothald bishop of Soissons.

At different periods of his active life, zeal for the maintenance of discipline and a lofty conception of the metropolitan prerogative involved him in disputes with his turbulent clergy. Thus it happened that in the year 861 he had suspended Rothad, or Rothald, bishop of Soissons, for disobeying the sentence of a provincial synod in the appeal of a presbyter of his church whom he had unjustly deposed and expelled. Against this censure Rothald immediately lodged an appeal to the pope, and asked leave of his metropolitan to proceed to Rome to prosecute his suit before the pope. Hincmar rejected the petition; and

referred him, according to canonical rule and practice,[a] to the national provincial synod then actually assembled at Soissons. Rothald declined the jurisdiction, and insisted upon his appeal; a course of conduct which the archbishop regarded as an aggravation of his original offence. Rothald was summoned to answer for the twofold contempt before a second council of the province, but the bishop persisted in his contumacy; and for these repeated offences, and upon other matters of charge preferred against him, he was degraded from the episcopate, and immured in a convent until he should make due satisfaction for these delinquencies.[b]

Complaint and appeal of Rothald.

The deposed prelate complained to the pope of this proceeding; he described it as a systematic persecution, resorted to by his enemy solely with a view to induce him to withdraw his appeal, and to deprive him of his remedy against metropolitan injustice: but to all solicitations and threats he had, he said, uniformly replied that it was then too late to retract, for that his cause was irrevocably committed into the hands of the mother and mistress of all churches. He informed the pontiff that he had addressed an earnest supplication to the king (Charles the Bald) not to permit the prerogative of the holy see to be trampled under foot, but rather to forward him on his journey to Rome; yet that the king had coldly referred him back to his enemies, the metropolitan and his council. For these purely defensive steps his archbishop had, he said, tried, condemned, and deposed him in his absence, and had nominated another bishop to the see of which he was then the living occupant, and pending an appeal to the holy see; in notorious defiance of the *sacred canons*, and contrary to the law and practice of the church. Upon these grounds he besought the pope not to let his cause drop to the ground, lest his enemies should boast that they had successfully defied the rights and statutes of the holy see.[c]

The appeal of Rothald could not be sustained upon

[a] See Book I. c. ix. p. 207, and note (t), of this work.

[b] *Pagi*, ad *Baron.* ann. 863, p. 600.

[c] See the appeal at length, ap. *Baron.* ad ann. 863.

Nicolas I. in the cause of Rothald.

any ground of purely ecclesiastical or conciliar law. His object was to arrest *in limine* all further proceedings against him before his natural judges, to whom, in conformity with the canons of the church and the national practice, the cause legally belonged. Under no view of that law could the intervention of the pope be justified at that stage of the cause,[d] whatever might have been the ultimate right of the parties to invoke the papal adjudication.[e] The conduct of Hincmar had been guided by an undoubtedly correct view of the law; but he had pursued it with an offensive vehemence of word and deed which drew upon him a sharp rebuke from the pontiff, and a peremptory command without delay to restore Rothald to the honour and estate of which he had deprived him, and, on a given day, to present him before the pope, accompanied by legates to represent himself as a party to the cause, with a strict prohibition in the interim to appoint any other bishop to the vacant see. In default of compliance with these instructions, he threatened him with suspension from all episcopal and sacerdotal function.

Arrogant censures of Pope Nicolas I.

It appears that the first official information of the sentence against Rothald and its execution had been conveyed to Pope Nicolas in the usual synodal letter, transmitted to him through the Bishop Odo of Beauvais as deputy of the metropolitan council of the province. Fully apprised that his late monition to the archbishop had not only been disregarded, but that another bishop had been substituted for the appellant, he pronounced the whole proceeding to be "of so execrable a nature that he could find no words to express his indignation, nor should he find them though every member of his body were converted into a tongue to proclaim his repugnance and disgust."[f] He repeated his mandate for the preliminary reinstatement of the bishop of Soissons, and called upon King Charles

[d] Assuming the legal validity of the Sardican canons, it is still obvious that advantage could not be taken of them to oust the provincial councils of their jurisdiction. Conf. Book I. c. ix. p. 207 of this work.

[e] As appertaining to the class of the "difficiliores causæ."

[f] *Nicol. I.* ep. xxxvii., ap. *D. Bouq.* tom. vii. ep. vii. pp. 395, 396.

the Bald, by "his love to God and duty to the holy see," to enforce compliance, and give the appellant his safe-conduct to Rome. He had, he said, allowed the archbishop and his synod a term of thirty days to make satisfaction for the insult they had inflicted upon the honour and prerogative of the holy see; and he swore that, by the divine aid, that prerogative should suffer no disparagement in his hands: "for," he said, "the privileges of the holy see are the panoply of the church against all manner of pravity; they are the muniments and title-deeds of Him who is the supreme lord of the priesthood, for the government of all in authority under Him and the comfort of every one that shall suffer wrong or injury from subordinate powers." Anticipating a very probable objection on the part of Charles to the tone of his communication, the pontiff reminded him that though he might feel himself exempt from blame in this affair, he ought to reflect that a wise father often seeks to educate a beloved son by appropriate terrors and chastisements,[g] though he may find nothing really reprehensible in him: for so also was the blessed Job smitten of the Lord for his edification, in order that, by the exercise of patience, his merits might shine forth the more brightly. "Doubtless," he continues, "beloved son, you may be inclined to accuse us of needless severity; but we know well from what tree the rod we hold up is plucked: God grant that you may profit by the instruction it conveys, to avert your feet from the path that leadeth unto destruction. Suffer yourself, therefore, to be stricken, and, even though your heart condemn you not, to be driven into great caution and circumspection in a matter in which you may so easily fall into irretrievable error. For either are the arrows of our rebuke manifestly deserved, or they have a deep and secret aim no less true and real than if it were apparent to the eyes of all mankind."[h]

The king, however, took no step in compliance with the papal monition. Hincmar himself declined to be the channel for conveying the threatening letters of the pope

[g] Conf. Book VI. c. vii. p. 202 of this work.

[h] Ep. *Nicol. I.*, ap. *D. Bouq.* tom. vii. pp. 391 et sqq.

He decrees the restoration of Rothald.

to his synod. Rothald continued thus for a period of two years a prisoner in his convent, and Nicolas still held back the threatened censures upon his prosecutors. At length, however, the steady perseverance of the pontiff and his client overcame the reluctance of the archbishop. Political considerations inclined the king to compliance; and Rothald was released from confinement, and obtained permission to proceed to Rome; but without relief from ecclesiastical censure, or restoration to the honours and estate of his see. A committee of the provincial council was, indeed, nominated to attend him; but from some unexplained cause the deputies were detained at the Italian frontier. Rothald himself found his way to Rome; and the pope, in the absence of accusation or prosecutor, after some formal delay, decreed his restoration to the episcopate, and his reinstatement in the honours and temporalities of his see.[i]

Specific grounds of the opposition of the Gallic churches.

The execution of the decree was delegated to Arsenius bishop of Orta, the resident legate of the pope at the court of Charles the Bald. Much irritating correspondence had passed on both sides in the prosecution of the affair. It was well understood that the objection and remonstrances of the Franco-Gallic prelates had been specifically directed against the broad proposition that "*the action of synods, general or provincial, might be peremptorily arrested by a simple appeal to Rome, or an evocation of the cause in hand to her tribunal, at any stage of the proceeding.*" The Gallic bishops appear, at the same time, to have been aware that this startling pretension was of recent origin, and grounded upon no generally-known principle of ecclesiastical law or of ancient or modern usage. The attempt of Boniface of Maintz, in the preceding century, to introduce into the Neustrian churches the "holy traditions of the catholic and apostolic see of Rome"[j] had not borne all the fruit the romanising party in those churches may have desired. It is true that a very few years before this a certain Benedict, surnamed the Levite, had repub-

[i] See the decree, ap. *Baron.* ann. 865, § 3, p. 16.

[j] Conf. Book IV. c. v. p. 362 of this work.

lished the Isidorian forgeries in a collection of the ecclesiastical capitularies of the Frankish kings; and it is not improbable that the bishop of Soissons had taken his stand upon these documents.[k] Yet up to this point of time we may be assured that they had met with no general adoption in Neustrian France; and may confidently accept the word of the Gallic bishops, that the records of ecclesiastical law handed down to them from their predecessors gave no countenance to the papal pretensions to withdraw the cause of Rothald from the metropolitan jurisdiction.

Reply of Nicolas I.

The sagacity of Pope Nicolas might disclose to him the difficulty and the danger of encountering this objection by direct proof of the genuineness of the records appealed to. He adopted a wiser and a safer course. "What of it," he said, "if you in your ignorance should find no such ordinances among your local statutes and customs? You cannot deny, you cannot abrogate them. Are they not written among the constitutions, customs, and decretals of the holy see, *by which you and all the churches of God are tied and bound? for such are the conditions of your communion with the chair of Peter.* All that is required of you, when they are brought to your knowledge, is to accept and to obey." He claimed these ordinances on behalf of his church as the sacred vouchers of that preëminence of power and dignity vouchsafed by Christ himself to the chair of Peter. By the unauthorised condemnation of a bishop they had, he said, encroached upon the divine prerogative,—they had insolently taken the whole power of the church into their own hands; as if there had been any doubt that the case fell within the class of the "majores causæ" expressly reserved to the exclusive determination of the holy see. Yea, even though, as was alleged, Rothald had withdrawn his appeal, that circumstance would not have altered the case, for he had no power to recede from his appeal; and

[k] Benedict the Levite tells us in his preface that he had found them scattered up and down among various schedules of ancient canons and acts of synods; but more especially in the *archives of the church of Maintz*, where he was told they had been deposited by Archbishop Ricculph. *Baron.* ann. 865, § 5, p. 17; and conf. Book VI. c. vi. pp. 177, 178 of this work.

if he had really committed so great an error, it was their duty to set him right. At all events, whether he had appealed or not, they ought to have known that, in deposing a bishop without the knowledge and consent of the pontiff, they had violated the most numerous and important of the *decretal statutes* of the holy see.

Plea of Pope Nicolas for the reception of the *whole Roman tradition.*

Reasoning on the arbitrary presumption that the adoption of the whole Roman tradition constituted the condition precedent of communion with the holy see, the argument of Pope Nicolas might not be easily encountered. "You assert," he observed, "that the decrees of the *primitive pontiffs*[1] are not to be found in the body of your canons. . . . But mark well in what difficulties this allegation involves you. For neither the writings of St. Gregory (the Great) nor those of any of the holy pontiffs either before or after him, nay not even the Holy Scriptures themselves, are inscribed in any code or collection; and they ought therefore, on your plea, to be of no authority. You may perhaps reply, that the Scriptures are to be received because the holy pope Innocent (I.) hath decreed that they should be received, though they be not written in the statute-book of the church. But by this admission you yourselves make their validity to rest upon a decree of the holy see; whereby you bind yourselves to accept all other the decrees of the holy pontiffs, whether numbered among your canons or not. And so it hath, in fact, been ordained by the holy pope Gregory the Great, whereby those canons which *are* inserted impart their own validity to those which *are not*. So likewise the blessed Gelasius assures us that the decretals of the holy pontiffs are to be reverently received by all men. And this precept not only embraces the more recent decrees, but also those of the ancient popes, *which were published while pagan persecution was still raging, when it was very difficult to bring the causes of bishops before the apostolic chair at all.*"

This implicit adoption of the Isidorian forgeries into the body of Roman tradition clears the question of juris-

[1] As exhibited in the Isidorian forgeries.

diction from all doubt in the view of Pope Nicolas. After this there would be no longer any question that the case of Rothald belonged to the "majores causæ." Discoursing upon this topic, he borrows largely from the peculiar rhetoric of those documents themselves. "What," he asks, "and who, are the bishops? Are they not the 'princes of the church,' holding the measuring-rod which encompasseth the holy Jerusalem round about? Are they not the 'stewards of God's household'—'the watchmen of the city of God'—'the shepherds of the Lord's flock'—'the pillars of the house of the Great King'? Surely, if there be any such, these are the 'majores causæ.'" And as the greater jurisdiction carries with it the less, so not merely the causes of archbishops and bishops, but of every order of persons, whether spiritual or lay, could not be withdrawn from this universal tribunal. "Behold, then," he exclaims, "the preposterous inconsistency! Do you intend to class the causes of laymen and other inferior persons (clergy), which you so frequently refer to us for our decision,[m] among the 'majores causæ,' while taking to yourselves those of the bishops? Is it, indeed, your opinion that the prince of all bishops—*he to whom of right all inquests belong*—should content himself with the minor causes, while his spiritual subjects reserve all the really important to themselves?" The bold pontiff went on to establish this universal jurisdiction upon the decretals of Popes Leo the Great, Innocent I., Boniface, and Gelasius. With more than papal audacity, he affirmed that no synod, nay not even the most holy council of Nicæa, had ventured to interfere with that boundless prerogative; it being manifest to the fathers that it rested upon no synodal authority, but upon the word of the Lord himself, who, after accomplishing the redemption of mankind, and being about

He adopts the Isidorian forgeries into the body of Roman law.

[m] The Gallic bishops, it should be observed, had never denied the duty of referring the "difficiliores causæ," or those in which doubts existed in their own minds, to the decision of the pope, whether they touched clergy or laity. For this reason, many such questions had been no doubt heretofore and were still laid before the pontiffs. Nicolas I., however, could not consistently adopt the distinction between the "majores" and the "difficiliores causæ," as maintained by the Gallic prelates; and thus dextrously availed himself of the evasion to convict them of tergiversation.

to ascend into heaven, placed the universal government of the church in the hands of the holy Peter; *from whom the apostolate itself was thus made to flow*, and from the apostolate, the episcopate as its earliest emanation. And this privilege St. Peter himself, while on earth, never ceased personally to inculcate; so likewise, after him, all his successors, sometimes by word of mouth, and at others by their decretal epistles sent forth from the holy city of Rome.[n]

Method of Nicolas I. in dealing with ecclesiastical law.

By thus flinging together into the same caldron the apocryphal and the more authentic elements of papal prerogative, Pope Nicolas desired to produce the impression that both combined in their natural order to constitute one uniform chain of divine tradition. The substance of both, he contended, is to be traced through an ascending series of pontiffs and pontifical writings to the sources of inspiration itself.[o] If Pope Nicolas himself had been in the councils of the fabricators of the false decretals, he could not have more clearly discerned the object, or more practically applied the principles, of those documents. He set forth with unerring precision the terms of communion with the holy see; he brought them into harmony with each other; he suffered no discrepancy of law or order to be observable; the "traditions of the fathers," the canons of councils, the decretals of popes, were all made to flow from the same source, and were based upon the same transcendental authority. All orders in the church were reduced to one dead level at the foot of the papal throne; and all law was made to spring—mediately or immediately, it mattered not which—from the same fountain-head.[p]

This important manifesto, to which, at the risk of

[n] Adopting the pretended instructions of Peter to Clement, as contained in the fictitious report of the latter to James the Less, bishop of Jerusalem,—the first document in the list of the Isidorian forgeries.

[o] He borrows largely from that fertile repertory of papal pretension the letters of Pope Gelasius, written during the Acacian schism (conf. Book III. c. ii. pp. 51-57, and see Book VI. c. i. p. 37 of this work); and quotes a variety of dicta to show that the respectful silence of the holiest of the councils touching the Roman prerogative is to be taken as a tacit acknowledgment of a yet higher and more sacred antiquity of origin.

[p] Conf. Book VI. c. vi. p. 174 of this work.

some prolixity, the reader's attention has been directed, concluded with a command to the prelates of the province of Rheims, under penalty of excommunication, to receive the guiltless and injured prelate into their communion. Still, if it should please them to revive the proceedings before the pontifical court, the first step must be to place the appellant in the same position he occupied before the late proceedings against him, including ample restitution of spiritual as well as of temporal dignity and estate.[q] On his return to France, Rothald brought with him papal letters to King Charles the Bald, admonishing him to cause plenary restitution to be made, not only of the government and temporal patrimony of the church of Soissons, but of all those portions of that property which were understood to have been alienated either by the bishop himself or by the intruder during the vacancy. In case of disobedience or unreasonable delay in the performance of this duty on the part of the king, or on that of the unlawful possessors of the property in question, the pope denounced the penalty of seclusion from the sacred mysteries and services of the church, and expulsion from the communion of the faithful as "profane persons and robbers." The same orders, in terms of aggravated insolence, were addressed to the primate of Rheims; and the alternative of instant and plenary satisfaction to the innocent and persecuted bishop, or his own immediate personal appearance at Rome, was offered to his choice. Hesitation or delay to adopt one or other of these courses was to draw down upon him suspension from all sacerdotal or episcopal functions.[r]

His arrogant mandate to the king and the primate.

Until the receipt of this insulting mandate, Hincmar had not thought it requisite or becoming to make any reply to the reproaches of the pope. He might feel that a direct justification of his own conduct must involve him in a conflict with the new basis of papal prerogative; an extremity he had

Remonstrance and apology of Hincmar.

[q] In conformity with the decretals of *Zephyrinus* (ep. ii. § 2, *Mansi*, i. p. 732), *Stephen I.* (ep. ii., ibid. p. 889), and *Gaius* (ibid. p. 1231).

[r] *Baron.* ann. 865, §§ 9, 26, 27, 28, p. 25: conf. *Nicol. I.* ep. xxi., ap. *D. Bouq.* tom. vii. p. 405.

good reason to dread. But it was no longer consistent with the impetuosity of his temper, nor even with the respect due to his office in the church, to remain silent under the stinging animadversions of the pontiff. He felt that some parts of his conduct might require explanation; but chiefly that, as the official advocate of the metropolitan authority, he was bound to put upon record an explicit protest against an exposition of ecclesiastical law which must operate to the total extinction of that authority. In the exordium of his apology, he justified his refusal to become the bearer of the vituperative letters of the pope to the parties addressed. He maintained that the trial of Rothald had been in all respects consistent with canonical precept. Passing by, in the first instance, the body of decretals, genuine and spurious, appealed to by the pontiff, he rested his case upon the decisions of Nicæa, Sardica, and Carthage, and easily deduced from those records that the metropolitan and episcopal judicatures were in themselves full and complete, and liable to no suspension or interruption from any extrinsic judicature. Without denying the incidental jurisdiction of the holy see, he describes the occasions for its exercise as exceptional and extraordinary. Distinguishing between the "difficiliores" and the "majores causæ," he admits that under a variety of circumstances it would be the duty of the metropolitan and his council to submit the former to the holy and apostolic see of Rome, as to the divine oracle, for the solution of their doubts: as to the latter class, the rule of law was clear and explicit, that, namely, after trial before a committee of bishops of the province, to be selected by the accused party himself, the sentence of the synod shall be final, unless he shall think he has good cause of appeal; in which case he shall have liberty to resort to Rome, and to carry with him a full and true report of all the proceedings, to be furnished by the synod for the information of the pontiff: the latter shall then, if he see good cause, direct the inquiry to be resumed and rectified according to the exigency of the Sardican rule.[s]

Admitting, therefore, the duty of the metropolitans

[s] Conf. Book I. c. ix. pp. 204 et sqq. of this work.

in cases of doubt or difficulty to submit the decision to the pontifical wisdom, Hincmar contends that this ultimate responsibility cannot affect their functions as presidents of their respective provincial councils: in all cases they were competent to proceed to final judgment, subject to the revision of the cause by the pope "when necessary;" and that this was the course prescribed by Pope Leo the Great. Agreeably to the principle of "a unity of government with a diversity of powers" contemplated by that great pontiff, the metropolitans were to be regarded as the channels through which the government of the church was to flow to the supreme pontiff; for which purpose all provincial synods were bound, if required, to report to the pope, and to abide his judgment upon their proceedings: but this obligation was not intended to operate to the extinction of their rights, and the abrogation of that fundamental principle of the church-constitution so clearly acknowledged by Pope Leo himself.

Hincmar on the metropolitan powers.

The aspect in which Hincmar presented his case raised the simple questions whether the trial of Rothald had been in all respects regular and canonical, and therefore, whether there was any real ground or "necessity" for the interposition of the extraordinary powers of the holy see to correct error or to repair injustice. Rothald, he said, had been regularly summoned, in conformity with the canons of the church and the decree of Pope Gregory the Great; the proceedings had passed in the presence of more than five hundred persons of different orders, and under their sanction he had been regularly convicted of the crimes of prodigality, embezzlement, dissipation of church-property, and dilapidation of church-lands and revenues. The whole inquiry had been prosecuted in the presence of the papal legate; the judgment of the synod had been regularly reported to the pope; and he had been expedited, in the company of the deputies of the assembly, to lay the whole proceedings before the holy see. Under such circumstances, the archbishop modestly deprecated the arbitrary reinstatement of the delinquent before the pontiff could be apprised of the

Defence of the proceedings in the case of Rothald.

real merits of the case; a step which, he urged, could only tend to bring discredit upon the justice of the holy see, and draw down upon himself the bitter indignation of his insulted brethren for his share in turning loose upon them so dangerous an enemy of the state, and so disgraceful a member of the episcopacy of the province.

Powers of the holy see *extraordinary* and exceptional;

But the reinstatement of Rothald was, he contended, beyond his competency as archbishop. The delinquent was, he assured the pontiff, an agent of King Louis of Germany, with a treasonable mission to disturb the government of his sovereign King Charles; that his restoration, if the task were to devolve upon himself, could only be legally accomplished by the concurrence of the synod of the province; and that even if the bishops could be prevailed upon to readmit to their communion so perverse a person as the delinquent, it would, owing to the public disturbances and the inroads of the Northmen, be impossible to assemble a synod sufficiently numerous to represent the province, or to enable him to obey the mandate of the holy see. With all this, he guarded himself carefully against any desire to impugn the prerogative of the holy see: "The earth is the Lord's," he said, "and the fulness thereof; and as the kingdom is His to give it to whom He will, we know that He hath exercised His power in the uprearing of the church upon the apostolic rock by committing her to the blessed Peter, and through him to his vicars and successors." Every bishop is therefore bound to give lawful obedience to the "king of bishops" when no physical impediment prevents him. So likewise every bishop has a right to appeal to the same holy see; yet not in such wise as to oust his natural judges of their jurisdiction. For in fact this ultimate authority of the holy see is *not an ordinary, but an extraordinary power, given to support, not to overthrow, the ordinary ecclesiastical judicatures.* It is an authority to be interposed only in case of *necessity;* and the obedience of the episcopacy is limited by the necessity for such extraordinary interference. The pontiff, therefore, was bound to take great care not to so far overstep the limits of his power as to overthrow the constitution he was

appointed to defend—that he do not aspire to be at once the ordinary and the extraordinary judge of the church-catholic, and thereby to absorb all other powers in his single prerogative; an extravagance of pretension against which apostles, evangelists, and popes, more especially Gelasius[t] and Gregory the Great, had expressly cautioned the pontiffs of the holy see. These holy men had, he said, reprobated all arbitrary interference with the office of other ministers of the gospel as a breach of the great law of charity; therefore dangerous to the unity of the body of Christ, in which all power rests ultimately upon that law, and not, like that of the unhallowed state, upon brute force or despotic will. And *that* law is to be sought in the conduct and the instructions of the Apostles and the ordinances of the primitive church, of which the Sardican rule is the proper exposition: in conformity with which rule, the pontiff is not free to decree immediate restoration; but is bound to send back the appellant to the province in which the cause arose, to be tried in conformity with the corresponding practices of the African churches.[u] Thus also Pope Innocent I. had directed that all causes should *in the first instance* be determined by the provincial synods;[v] and Pope Boniface, in the case of the Illyrian prelates, had ordered that every province should be subject to its own metropolitan, agreeably to the Nicene canon,[w] which ordained that provincial synods be held twice in the year for the decision of all such questions and disputes as those involved in the case of Rothald.[x]

not arbitrary, but to be ruled by the "necessity" of the case.

[t] It is difficult to discover in what parts or portions of the writings of Gelasius Hincmar could have found any such caution. Conf. Book III. c. ii. pp. 58 and 62.

[u] As in the case of Pope Cœlestine in the cause of Apiarius. See Book II. c. ii. p. 303.

[v] In the case of Chrysostom Innocent insisted upon the strict observance of the Nicene rule (can. v.), probably in the Roman conjunction with that of Sardica. Conf. Book II. c. i. p. 276 of this work.

[w] The v[th] canon of Nicæa cannot be regarded in any other light than as an enactment declaratory of, and regulating, the more ancient practice, and not as the foundation of the metropolitan jurisdiction. The vi[th] canon treats that jurisdiction as matter of ancient custom and immemorial usage.

[x] "Hujusmodi quæstiones," *i. e.* questions involving breaches of discipline, whether committed by bishops or the lower orders of the clergy. The argument of Hincmar may perhaps be thus summed up: "If the decretals of the primitive pontiffs, which you (the pope) allege against us, were really intended to annihilate the jurisdiction of the metropolitans whenever it shall please

Upon these grounds, he contended that it was the duty of the pontiff to send back the cause to the canonical judge, with such instructions as he might think consistent with justice to the church or mercy to the delinquent. But if the pope, as prince and supreme pastor of the church-catholic, should think fit to interpose his extraordinary powers to shelter crime, he submitted that such a course must undermine all discipline, and tend to encourage disobedience and rebellion. For his own part, he declared that he had already suffered enough in mind and feeling as well as in character from the harsh and unmerited reproaches of the pope; his fair fame had been aspersed, his authority brought into contempt, his functions reduced to a shadow: he had therefore made up his mind, that if thereafter offenders like the late bishop of Soissons were brought before him, he should content himself with a simple admonition; and if after that they should not amend, he should send them at once to the pope, to be dealt with at his pleasure: if they should refuse to go, they might stay away; the judge who has no power to punish offenders is free from blame if offences abound. For his own part, he saw no other course by which he might elude the censures of the pope or the calumnies of his many enemies at home. He would not, he protested, expose himself to a repetition of the vituperations and menaces of the pontiff: "Your holiness," he exclaims, "shall have no opportunity in future to address me in the like strain; for hereafter there will be no occasion for provincial synods: henceforward it shall be my special task to instruct every one to inform themselves how they may have access to, and take their law and their remedy from, the holy see. We the metropolitans will be too careful of our own peace and comfort to help you; seeing that by so doing we expose ourselves to the surreptitious attacks of every insolent rebel against our legitimate authority, and to harassing threats of suspension, excommunication, and what not, from your

Threatened results of the papal encroachment.

them to interfere with it, why did the fathers of Nicæa put on record so useless a statute as their vth canon? and why did not Innocent and Boniface take those causes to themselves, instead of referring them back to the provinces where they arose?"

holiness, merely for executing the powers we have hitherto believed constitutionally to belong to our sacred office."

The diffuseness of this memorial is injurious to its effect. Hincmar's object was to draw the sting of the novel decretals that had been brought to bear upon the question; and to that end, he contended that the inferences deduced from them by the pope were at variance with the precepts of the Apostles, the canons of general councils, and the genuine ordinances of the most distinguished of his predecessors; consequently that those decretals could not have aimed at the overthrow of the existing constitution of the church; that they could be no other than a provision in favour of the *extraordinary powers* of the holy see, and therefore not affording any law or rule of *ordinary* application. Without sufficient learning to detect the spuriousness of the documents quoted against him, or possibly the courage to impugn the papal right to adopt them, he was driven to argue the law of the case rather "ab inconvenienti" than upon its own merits. "All this additional labour," he tells the pontiff, "you have brought upon yourself: you may now see how your new scheme of church-government will answer; but for our parts, we will not help you to work it." Scope and intent of the apology.

But Pope Nicolas I. was not of a character to be visited by any misgivings as to his own powers of management. His resolution was taken; his purpose was in reality all that Hincmar deprecated,—the overthrow of the metropolitan power in its actual form, and its conversion into a passive instrument of purely pontifical government. The tone of the apology indicated a dangerous spirit of resistance, which it was necessary to rebuke, if not to subdue. The pope, therefore, troubled himself little about the merits of the cause of Rothald; the quarrel was opportune to his purpose; the archbishops were at all hazards to be deprived of the confidence of the provincial prelacy; they were to be divested of all spontaneous movement, and to be bereft of the power to act in any direction but that which should be impressed upon them by the pope. The reinstatement of the condemned malefactor was therefore carried into Arbitrary reinstatement of Rothald.

effect without even the form of acquittal or condonation. Arsenius, bishop of Orta, the papal legate in France, intimated to Charles the Bald on the part of Nicolas I., that if thereafter any man, *whatever his rank or power*, should dispute Bishop Rothald's right, or hold over the property of his see, he would *ipso facto* incur the anathema of the church. "Thus," says Hincmar, "was a criminal, solemnly deposed by the unanimous judgment of five provinces of this realm, reinstated by the pope, not by *ordinary* canonical rule, but by an arbitrary act of power, in a summary way, without inquiry, and against the consent of his natural judges."

Affair of Wulfoald.

In the consistent pursuit of this scheme of policy, Pope Nicolas contrived, within the same period of time, to entangle the archbishop and the Gallic prelacy in a dispute involving a like humiliating trial of patience. Archbishop Ebbo of Rheims had been an active partisan of the Emperor Lothar I. in the rebellion of the year 833, which terminated in the Field of Lies and the second captivity of Louis the Pious. In the year 835 he was, as before observed, deposed for his participation in that iniquitous transaction by the sentence of a synod of forty bishops. After the death of Louis, however, he was, by favour of Lothar, restored to his dignity; but a few years afterwards was again deposed, and Hincmar was elected and consecrated to the vacant see (A.D. 845). During his second incumbency it appears that Ebbo had, together with others, ordained a certain Wolfhad, or Wulfoald, tutor to one of the sons of Charles the Bald, and a favourite of that prince. But in the year 853 a council of the province assembled at Soissons had, at the instance of Hincmar, quashed the orders of Wulfoald and eight other priests, upon the ground that, in consequence of the deposition and degradation of Ebbo, all his ordinations were void. The proceedings of the synod of 853 had been regularly transmitted to Rome for the examination of Pope Leo IV., and returned without objection or comment on his part. But thirteen years afterwards (A.D. 866) it occurred to Pope Nicolas I. to rip open the whole transaction, probably upon the sug-

gestion of Charles the Bald, who was anxious to promote his favourite to the higher dignities of the church. Upon inspecting the proceedings against Ebbo, the pontiff professed to have detected reprehensible irregularity or unwarrantable severity; he declared himself not satisfied that the orders conferred by the deposed prelate were invalid: he therefore directed the French prelates to rehear the cause, and, in case of an appeal to the holy see, to forward their report, together with the persons of the appellants, to Rome; enjoining them in the interim to abstain from every act of censure or severity against the appellant priests.[y]

Hincmar defends his proceedings to the pope.

Though Hincmar had good ground to suspect the pope of an intent to question his title to the see of Rheims, he thought proper to obey this anomalous mandate. Upon the discussion which followed, he contended that by the first deposition of Ebbo, to which that prelate himself had voluntarily assented and subscribed, his episcopal powers were wholly extinguished; and that the orders of Wulfoald and his companions were therefore void from the beginning. The council of 853, he added, had been formally confirmed by Leo IV. and his successor Benedict III.; and the reinstatement of these persons in the priesthood would therefore involve at once a breach of the canons, an insult upon the national council, and a disparagement of the papal authority itself. But pending the inquiry, and in reliance on the support of the pope, King Charles had already promoted Wulfoald to the archbishopric of Bourges. The synod perceived that their interposition was no longer of any weight or importance, and therefore remitted the cause without further hearing or discussion to the decision of the pope. For their own parts, they observed, they must decline the task of pronouncing upon the validity of orders which had been solemnly cancelled by the assembled church of France as much as thirteen years ago; and they suggested, that if it were the intention of the pontiff to reinstate the deposed priests, it were better that the proceeding should appear as the act of the *extra-*

[y] *Baron.* ann. 866, §§ 48, 49: conf. *Pagi*, Crit. § 10, p. 69.

ordinary authority of the holy see, than that the synod should by any spontaneous act become the instrument of its own degradation and that of the church it represented.[z]

Resentment of the pope against Hincmar.

The pontiff, rightly enough, imputed the sturdy resolution of the synod to shift the whole responsibility of this questionable proceeding upon his shoulders to Hincmar himself. He was beyond measure exasperated by the pertinacity of the archbishop in setting up the principles of ecclesiastical legislation against the arbitrary prerogative of St. Peter's chair, and not less so by the obstinate refusal of the synod to become the passive instruments of his designs against their metropolitan; and he felt that by that policy the irksome duty of supporting himself upon some plausible grounds of law and fact could no longer be evaded. Affecting to spare, and even to commend, the members of the synod, he poured out his indignation upon the head of Hincmar. The council of 853 had, he said, been presided over by him; the proceedings had been suggested and directed, and the report composed and drawn up, by him alone: that report Nicolas pronounced to be in all its parts tainted with the sins of informality, misstatement, and suppression; and he declared, that though confirmed by Leo IV. and Benedict III., that confirmation, having been obtained by deceit and fraud, could not be binding upon the holy see. But besides this, upon looking to the terms of the confirmation, it appeared that the whole jurisdiction of the holy see had been carefully reserved, inasmuch as the sentence was expressly grounded upon the presumed faithfulness of the report: he accused Hincmar of having deceitfully suppressed and concealed the proviso to that effect in his report to the pope, and by that unworthy artifice attempted to overreach and mislead the holy see.[a] The report of the year 853, he said, was wanting in several documents necessary to complete the series,—among others, the statement of the grounds upon which Archbishop Ebbo himself had been

[z] *Baron.* ann. 866, § 13, with *Pagi*, Crit. ad eund. ann. §§ 73-78.

[a] The words alluded to by the pope were the following: "Si ita est ut scriptis intimasti et gestorum serie demonstrasti."

deposed; a statement, he significantly observed, upon the truth of which the whole matter, *and probably a great deal more, would depend.* In order, therefore, to afford the time requisite to furnish him with the deficient documents, he intimated to the synod that it was his intention to suspend his judgment in the cause for one twelvemonth. In the interim he commanded them to restore the deprived priests to their offices and emoluments; "because," said he, "it is decreed that no priest of the Lord shall be deprived of office or estate before trial, lest he be thereby delivered unarmed into the hands of his adversaries."[b]

Sophistry of Nicolas.

But, in truth, the alleged reservation in the records of confirmation was a naked quibble. The introductory words, so far from conveying a prospective provision against any possible deceit or misstatement, were really no more than a recital and adoption of the facts disclosed in the report; and the omission of them in quotation could not be charged upon Hincmar as an intentional suppression.[c] But both Leo IV. and Benedict III. had at least equally good opportunities and means of judging of the amount and kind of information required, as well as of the integrity of Hincmar's report; and if, after the lapse of thirteen years, and two papal decrees upon the matter, the whole subject was to be regarded as still open to investigation, it could only be upon the ground that there could be no limit of time to the retrospective jurisdiction of the see of Peter. The unequivocal threat of Pope Nicolas to revive the inquiry into the validity of Ebbo's deposition, which had taken place more than thirty years before, plainly proved that he was not disposed to permit any lapse of time, or any length of acquiescence—not even that of the sufferer himself—to stand in his way. Pope Sergius II. had approved the deprivation of Ebbo, and that prelate him-

[b] See *Gaii* P. ep. ad Felicem, *Mansi*, conc. i. p. 1231; *Zephyrini* P. ep. ii. § 2, ibid. p. 732; *Stephani I.* ep. ii., ibid. p. 889, as quoted in the case of Rothald,—see p. 261 of this chap. The reply of Nicolas I. to the report of the council of 866 is given at length by *Baronius*, ad ann. 866, §§ 52-65, pp. 71 et sqq.

[c] The words "Si ita est," &c. we regard as equivalent to the words, "Quæ cum ita sint," &c.: anglicè, "Upon these grounds, therefore," &c.

self had died without appealing against the sentence. There was not a point of ecclesiastical law less open to dispute than that the decision of a competent synod, unappealed against, was conclusive against all the world—the pontiff himself included. Yet Nicolas was at no loss to find grounds for impeaching it of irregularity. The deposition of Ebbo, he said, had been attended with serious inconveniences to the church; and ought, therefore, to be regarded as divested of all ecclesiastical consequence, even though it might not be open to direct reversal.[d]

Restoration of Wulfoald.

Hincmar, however, found himself no longer able to sustain the joint pressure brought to bear upon him by the combined action of the pope and his own sovereign. Charles had determined to extort the recognition of his favourite from the episcopacy of the realm; and the pope had ratified his nomination to the see of Bourges in defiance of the opposition of the national church. At the same time, it appears pretty clearly that the Gallic prelates were either weary of the contest, or that a majority had been gained over to the views of the court. Accordingly, in the month of October 867, Hincmar convoked a general council at Troyes; the bishops declined to entertain any question but that of obedience to the papal mandate, and contented themselves with the simple act of sending to the pope as complete a series of documents respecting the cause of Wulfoald as they could collect. They received him and his companions into communion; and requested the pope so to interpret their proceeding, that it might be understood for all time to come that "no bishop could be removed from place and dignity without the preliminary sentence of the holy see, in conformity with those decrees of his holy predecessors

[d] *Baron.* ann. 866, §§ 57 and 65. Pope Nicolas earnestly repelled the supposition that any principle of finality was applicable to the holy see. Thus he denied that, after appeal and rehearing of the cause by command of the pope, either he or the appellant were concluded. He maintained that if the appellants were still dissatisfied with the second decision, the pope was at liberty again to evoke the cause to himself personally, and to cite the parties, judges and all, to appear *de novo* at Rome, "in order," he alleged, "that the privilege of the holy see may suffer no abridgment;" in other words, "be obliged to acknowledge no legal limit." See letter, as quoted above, § 56.

which had lately been revealed to them in so wonderful a manner."[e]

It should be observed, that though the restoration of Wulfoald was a triumph to the court of Rome, the deferential resolution of the synod implied no principle that had not before been frequently conceded in practice. The struggle had all along turned, not so much upon the right of the pope to interpose by way of appeal with the decisions of the national synods, as against that unprincipled intervention which threatened the extinction of the metropolitan powers as well as the total obstruction of all independent synodal action, and the reduction of both to the character of mere instruments of papal government. In these respects the success of Rome was indecisive, though it be admitted that by the incidental recognition of the Isidorian decretals a prospective advantage of importance had been secured by the papacy. But it is probable that neither the primate nor the national prelacy were fully alive to the grave character of the admission. Hincmar was not, however, as yet driven from his reliance upon ecclesiastical law and custom. His proud spirit had committed him to irreconcilable warfare with decretalism, and neither age nor infirmity could quench his ardour in defence of the privileges of his church. Nicolas descended into the tomb in the month of November in the year of his triumph, leaving his opponent in the field,—retreating, indeed, but still unsubdued,—the as yet unconquered adversary of that despotism which had been nursed into action by an imposture he could neither fully comprehend nor effectually expose.

Success and death of Pope Nicolas I.

We might in this place advert to certain incidents of importance, occurring within the pontificate of Nicolas I., which contributed in no trifling degree to the advancement of the spiritual pretensions of the holy see. But we think it better—even at the risk of repetition—to conduct the reader to

Summary. State of the controversy of metropolitan rights.

[e] *Baron.* ann 867, § 22, p. 93 The synodal epistle was signed in the first place by Hincmar as primate: then in succession by the metropolitans of Tours, Rouen, Bourdeaux, Sens, and Bourges; the latter the identical Wulfoald whose cause had been thus suddenly brought to a close.

some natural resting-place from whence the bearing of the ecclesiastical upon the political aspects of the papal power, and their reciprocal action upon each other, may be more conveniently surveyed. At the close of this chapter, however, it may be pertinently remarked, that in the signs of the times there were circumstances which boded no good to the intrepid champion of ecclesiastical —as opposed to papal—prerogative. Even among the Franco-Gallic churches, where decretalism had made a far less rapid progress than in other divisions of Latin Christendom, an under-current of ecclesiastical interest and opinion had begun to run against the metropolitan authority. To the suffragans of the greater sees and the subordinate clergy a prospect had been opened which could not but prove alluring to a dissolute episcopacy, and hold out many temptations to the inferior orders of the clergy to defy the censures of their natural judges. On the other hand, by the undetected and uncontradicted adoption of the pseudo-Isidorian decretals into the body of Roman ecclesiastical law, the pontiffs had imparted incalculable strength to their scheme of government by prerogative, and proportionately enfeebled both the legislative and the judicial powers hitherto believed to be vested in the church-catholic and its individual constituencies. It is curious to observe how completely the adoption of the false decretals had liberated the pontiffs of Rome from the incubus of canon-law. No doubt their preference for the scheme of government we have distinguished by the name of "decretalism" may be clearly traced back to the beginning of the fifth century of the Christian era.[f] That scheme had indeed been generally advanced by Popes Leo the Great, Gelasius, Symmachus, and Hormisda;[g] yet still under the ostensible control of the ancient and accredited statutes of the church. The popes of that period founded their pretensions substantially upon the vi[th] canon of Nicæa, though in the spurious version of the Roman church and in its supposititious

[f] We lay our finger upon the reign of Innocent I., circa A.D. 414: see Book II. c. i. p. 281 of this work.

[g] Conf. Book II. c. v. pp. 409 et sqq.; Book III. c. ii. pp. 47 et passim, and chap. iii. p. 110.

conjunction with the canons of Sardica. But now no allusion to the Nicene nor the Sardican rule ever passed their lips,—nay, these very statutes had become rallying-points for their opponents; and they listened now to the precepts of canon-law quoted against them with as much indignation and aversion as they had once testified at their rejection. Yet so profound was the general ignorance of church-history, so total the absence of critical inquiry, and so inextricably confused the state of ecclesiastical law, that no one knew to what quarter to look for any certain or definite rule of conduct or discipline; a state of things than which we can conceive none more favourable to the interposition of a power which was a law unto itself, upon which all might support themselves in distress or difficulty, under whose wing they could take shelter against the consequences of their own irregularities or delinquencies. Even the most determined opponents of Roman prerogative—even the resolute Hincmar himself—had never ventured to put a direct negative upon the pretensions of the holy see, much less to impugn the grounds upon which those pretensions rested: all they claimed was, exemption from the operation of the extraordinary powers of the chair of Peter in the ordinary exercise of their chartered rights; they deprecated, without denying, the obstructive prerogative; they set up a feeble distinction of law and equity against a mighty and merciless principle, which in its nature admitted of neither limit nor control, in the vain expectation that it would bend to the uncertain ill-defined rights and customs, and the still more irregular action, of the subordinate bodies.

CHAPTER III.

CONTROVERSY.—HADRIAN II. AND JOHN VIII. AGAINST HINCMAR.

Election of Pope Hadrian II.—Application of the rebel Carlmann to Pope Hadrian II.—Affair of Hincmar of Laon—Hadrian II. in the cause of Hincmar of Laon—The bishop of Laon defies the king and the primate—Synod of Verberie—Synod of Attigny—Declaration of metropolitan prerogative—Diet and synod of Douzy—Articles of charge against the bishop of Laon—Recusancy and deprivation of the bishop—Acquiescence of Hadrian II.—The pope rebuked by the king and the primate—Letter of Charles the Bald to Hadrian II.—Charles vindicates the political against the ecclesiastical judicature—Legal grounds of vindication—Deficiency of the vindication—Retractation and excuses of Hadrian II.—Death of Pope Hadrian II., and accession of John VIII.—Demise of the Emperor Louis II., and coronation of Charles the Bald—Terms of compact with the pope: the imperial crown—Synod of Pontyon—Papal encroachment—Resistance of the bishops—The legantine power in France—Hincmar against appeals—Scheme of Pope John VIII.—Obstacles to the scheme—Misfortunes and death of Charles the Bald—Ill success of John VIII. in France—Boso king of Provence—Charles the Fat emperor—Louis III. king of France—Hincmar against crown-nomination to vacant sees—Insolence of Hincmar—Law and custom of lay and ecclesiastical barony—Conflict of feudal and ecclesiastical law—Successful resistance of the clergy of France.

Election of Pope Hadrian II.

THE vacancy occasioned by the death of Nicolas I. was filled by the election of Hadrian, a person of noble parentage and a relative of the late Popes Stephen IV. and Sergius II. The popularity of Hadrian among all parties in the republic was such, that no difference of opinion was expressed as to his fitness to fill the vacant chair and to supply the place of the deceased pontiff. By the populace he was worshiped for the number and profuseness of his charities. A report was, indeed, current that, when distributed by him, the dole multiplied threefold in his hand. His election accordingly bore something of a popular and tumultuary character. He was seized upon by the people of all ranks, and seated upon the throne of the Lateran by acclamation, without any other form of election. The commis-

sioners of the Emperor Louis deputed to assist at the choice of a new pope signified some displeasure at this departure from the customary form; but were pacified by the assurance that the popular enthusiasm for the pope-elect was uncontrollable, and that an exceptional case like this could not operate to the detriment of the imperial rights, nor be alleged against his prerogative in future elections.[a]

Application of the rebel Carlmann to Pope Hadrian II.

The new pope, freed from domestic troubles, was enabled to turn his undivided attention to those objects which had absorbed every faculty of his predecessor. In France, the spirit of resistance to the boundless claims of the papacy was still unsubdued, and the very earliest incident of importance that fell under his notice indicates the stern determination of Rome to repudiate all religious discipline but such as should emanate from herself. Carlmann, the second son of King Charles the Bald, had been destined for the church, and had at an early age been admitted to deacon's orders. But the irregular habits of the youth had associated him with dissolute companions, with whom he led a life of violence and plunder. At the head of a band of these marauders, he committed depredations and outrages of every kind throughout Belgium and Burgundy, whence he was at length driven for refuge to the mountains of Switzerland. Cut off from his lawless occupations, he took advantage of his clerical character to invoke the protection of Pope Hadrian against the alleged tyranny and cruelty of his father. The pontiff embraced the cause of the rebel son with extraordinary readiness. He bitterly upbraided the king with the wanton persecution of his son; he commanded him to restore the innocent victim of his unjust resentment to his favour, and to reinstate him in possession of his forfeited abbeys and benefices, awaiting the leisure of the pope to examine into the cause of deprivation, and to issue such orders thereupon as the circumstances might require. At the same time, he admonished the nobles and vassals of the crown to refuse the military contingent of their fiefs in aid of their sovereign against his son; he commanded the clergy

[a] *Anastas.* Biblioth. in Vit. Had. II., *Murat.* Ss. Rr. Ital. tom. iii. pp. 261 et sqq.

of the realm to revoke the censures they had passed upon Carlmann; and threatened that if, in consequence of their disobedience, one drop of Christian blood was spilt, it was his determination not merely to cut them off from communion, but by the fearful curse of the anathema to consign them to Satan and his angels.[b]

Affair of Hincmar of Laon.

But before the affair of Carlmann could be brought under further discussion, the attention of the pope was called to a cause of quarrel involving more important issues, and calculated to display in a more conspicuous form the methods he proposed to follow in dealing with every power, spiritual or secular, that should presume to raise its head against the new prerogative. Hincmar bishop of Laon, a nephew and namesake of the archbishop of Rheims, had, with the consent of the crown, transferred certain fiefs or beneficiary lands held with his see to a certain Norman, a favourite of King Charles. After a time, however, the bishop was desirous of resuming the alienated fief, and pretended that the transfer was illegal. Without waiting lawful warrant, he proceeded to eject the possessor by force of arms. For this breach of ecclesiastical decorum he was severely rebuked by the primate. The bishop immediately complained to the pope, representing the transaction in the light of a pure usurpation of the property of his see. The king at the same time cited him before his court, to answer for this and other civil contempts and misdemeanors. The bishop returned for answer that he was not amenable to the king's justice or to any lay tribunal, and peremptorily refused to appear either in person or by deputy or advocate. For this flagrant contempt he was, in conformity with feudal practice, adjudged by the king and his council to have forfeited all the lands he held of the crown;[c] and Norman was again put into possession of his estate.

[b] See Epp. Had. II., ap. *D. Bouq.* tom. vii. pp. 452, 453; *Hincm.* Annal. ann. 870, ap. *Pertz*, i. pp. 490, 491. *Fleury* (tom. xi. p. 327) tells us, upon the authority of the Opuscula of Hincmar, that Carlmann had been ordained deacon against his will, and that he had very soon forsaken his abbey to embrace the occupation of brigand, in which capacity his attention was particularly devoted to the churches and religious houses.

[c] The adjudication could refer to no other than the lay fiefs so frequently

This harsh proceeding, however, alarmed the archbishop. He admonished the king that such wholesale confiscation before trial might amount to an infraction of the rights of the church; and he recommended that the bishop of Laon should be left in unmolested possession of the lands he held with his see until his conduct in the affair should have undergone inquiry before the proper synodal tribunal. This advice was followed, and a provisional order to that effect was intimated to the bishop. Encouraged rather than pacified by this qualified reversal of the decree of forfeiture, the bishop complained of it to the pope as an additional injury. Pope Hadrian II. seized upon the cause with eagerness: he commanded the king and the primate to send the bishop of Laon without delay to Rome; and in the mean time to hold the temporalities of the see as a sacred deposit, in such wise that they might suffer no diminution or injury in their hands, and be restored in their integrity when such restitution should be required. As to the sacrilegious intruder Norman, he directed that he be forthwith deprived of the communion of the church unless he should without demur divest himself of the stolen property; and he denounced the same penalty against all manner of persons who should, during the bishop's absence, do or commit aught to the detriment of his church.[d]

Hadrian II. in the cause of Hincmar of Laon.

But in the case before us the tables were turned upon the papacy. The influence of the sovereign was now exerted against the demands of the pontiff as strongly as in the case of Rothald of Soissons it had been engaged in his favour. Charles now summoned the bishop before his own court, as a lay vassal of the crown, to answer for his several contempts; the latter refused to appear, and messengers were despatched to bring him in by force. Hincmar, however, shut himself up in his church, and excommunicated all

The bishop of Laon defies the king and the primate.

held by ecclesiastical persons, and not to the allodia of the church, or lands held in what we should call Frankalmoigne; because the endowments of a see or benefice could not be forfeited by the fault of the clerical tenant for life.

[d] *Hinc.* Annal. ann. 869, ap. *Pertz*, i. pp. 479, 480; conf. *Fleury*, tom. xi. pp. 219, 220. See the original letter of Hadrian, ap. *D. Bouq.* tom. vii. p. 454.

who should set foot across the threshold of the sanctuary. The king's emissaries accordingly returned without their prisoner, and Charles once more resorted to a general synod to reduce his refractory vassal to obedience.

Synod of Verberie. Eight archbishops and twenty bishops met at the Villa of Verberie on the Oise; the defendant appeared, but refused to make answer to the charges exhibited against him upon the ground that his appeal to the pope superseded the synodal jurisdiction. His repeated solicitations for leave to proceed to Rome were rejected; but no further proceedings were taken in the cause, and Hincmar returned to his see. Finding, however, that his own clergy now refused to obey him as their bishop, he excommunicated and suspended them in a body; he prohibited the celebration of mass in his churches, the baptism of infants, the burial of the dead, and every other office of religion, public or domestic, within the diocese.[e]

Synod of Attigny. A second synod, assembled in the year following (A.D. 870) at Attigny in Champagne, exhibited the same timid spirit as that which had actuated their predecessors. Some attempt was made, but without effect, to compromise the scandalous dispute. The recusant bishop reiterated his demand for leave to proceed to Rome, with the like result; and as an additional provocation to his prosecutors, publicly espoused the cause of the abandoned rebel Carlmann. The bishops, balancing between the fear of the king and the pope, and naturally reluctant to see a prelate of the church brought under the jurisdiction of the secular authority,[f] resolved to do nothing. The archbishop of Rheims, however, seized the favourable opportunity to deal a blow at the decretal scheme; and to that end, he published an explicit declaration of the metropolitan prerogative as hitherto understood and exercised in the Gallican church. In this important memorial he maintained—

[e] This is the first instance I have met with of the practice afterwards so well known by the name of *interdict*. See *Fleury*, tom. xi. p. 221, quoting the Opuscula of Hincmar, not in my possession.

[f] To which he was clearly amenable in the character of a feudal tenant of the crown, though without prejudice to his spiritual character or the proper endowments of his see.

1st. That the archbishop in council is the canonical judge of the bishops of his province, and is entitled to conduct the proceedings to an end in conformity with the canons of the church; and that no charge or accusation can be preferred against a bishop but through him. Declaration of metropolitan prerogative.

2dly. That the archbishop in council is the natural and canonical arbiter of all suits and disputes of his bishops among themselves, and the judge of all disputed elections.

3dly. That provincial bishops shall not correspond with any foreign person, potentate, or body-politic, without leave of the metropolitan; nor shall he in any wise alienate the property of his see, or any part of it, without the like permission; but shall, when required, consent and put his hand to all matters resolved upon in council by the majority of votes.

4thly. That all cases of doubt or difficulty arising in the course of the administration of their dioceses, and all cases in which there may happen to be no certain rule of law to guide them, shall be referred to the adjudication of the archbishop in council: in all such cases the bishops shall on no pretence resort elsewhere, *not even to the Roman pontiff* himself, because it belongs, if need be, to the archbishop alone to address the pontiff.

5thly. That in all cases clearly and unequivocally provided for by the canons, the archbishop hath power to correct or punish without the concurrence of his council.

6thly. That no bishop shall depart from his diocese, nor communicate either in person or by deputy with the temporal sovereign or his court, without the permission of his metropolitan.[g]

If it had been the object of the framers of the false decretals to throw the road to Rome as wide open as possible, that of Hincmar appears, by this document, to have been to close it almost altogether. The sequel of the controversy leads to the conclusion that, in Diet and synod of Douzy.

[g] See the extract, ap. *Fleury*, H. E. tom. xi. pp. 331, 332. Hincmar's exposition of right is contained in a work of fifty-five chapters. The extract touches only upon those chapters which deal with the metropolitan privileges.

reliance upon the support of the court, he had resolved at last to commit himself to open war with the decretal scheme of Rome. The insolent contumacy of the bishop of Laon had already irritated the king beyond endurance; and the public encouragement that prelate had, in concert with the pope, held out to his rebellious son stimulated him to unusual exertion to gratify his resentment. With the concurrence of the archbishop of Rheims, therefore, a diet and synod of the whole realm was convoked at Douzy, within the diocese of Rheims, on the 6th of August 871.

Articles of charge against the bishop of Laon.

The king appeared in person as accuser, and presented to the assembled lieges, temporal and spiritual, an animated picture of the treasons of the bishop, whose appeal to the pope he described as a hypocritical pretext, invented to sustain himself in rebellion against his lawful sovereign. Hincmar added to the impeachment instances of flagrant disobedience to the lawful commands of his metropolitan; he charged him with having, without authority, subscribed and published documents of a public character; that he had, after admonition, refused to recall his vindictive interdict against the clergy of his diocese; and lastly, that he had plainly renounced all obedience to his superior by subscribing and distributing a *certain collection of writings extracted from the ante-Nicene fathers, containing, among many absurd, inconsistent, and contradictory propositions, that "bishops could not be judged by man, because God had reserved them to His own judgment-seat,"*[h] —a pretension so out of all reason as to supply ample proof of the evil and rebellious spirit which possessed him. The synod accordingly summoned the bishop to appear and answer the articles exhibited against him.

Recusancy and deprivation of the bishop.

The latter pleaded his appeal to Rome in bar of the jurisdiction of the council; but was informed that he must, *in the first instance*, make answer to the impeachment, and that at the proper time he might afterwards prosecute his appeal to the holy see. The bishop, however, presented himself before his judges; but

[h] See the decretals of *Alexand. I.* ep. i., *Mansi*, tom. i. p. 636; and *Anteri* ep., ibid. p. 763.

declined their jurisdiction upon the further plea that, having been deprived of the temporal estate of his see, he was not bound to answer until full and complete restitution should have been made of all he had been deprived of by the king. Charles replied that he had done no more than was necessary to maintain the rights of his crown, and to prevent his rebellious vassal from departing the realm, and the vassals of his see from following his treasonable example; that nevertheless he had been deprived of nothing properly belonging to his church, and had been scrupulously maintained in the full enjoyment of the church-lands and of his private property. The accused, however, pertinaciously adhered to his plea, and was declared in contumacy; witnesses were called to substantiate the articles of charge, and final sentence of deposition and deprivation was pronounced.[i]

Acquiescence of Hadrian II.

The council of Douzy, as if to oppose a more emphatic contradiction to Roman pretension, had taken upon them to translate Actard bishop of Tours to the see of Nantes;[j] and at the close of their sittings had deputed that prelate to be the bearer of their report and synodal letters to the pope, in which they reminded him that, if he should deem a new trial requisite, the proper canonical course must be, not in the first instance to reverse the synodal decision, but to send the whole matter back to the province where the cause of action arose;[k] giving him clearly to understand, that if he should disregard their suggestion, they would in nowise take any further step in the cause. Hadrian probably perceived that in the actual state of affairs in France nothing was to be gained by further litigation: he therefore thought fit, in the first instance, to ratify the translation of Actard; and after mildly reproving the synod for

[i] This short account of the synod of Douzy is abridged from *Hincm.* Annal. ann. 871, ap. *Pertz*, tom. i. p. 492; Epp. Had. II. et Hincm. Rhem., ap. *D. Bouq.* tom. vii. pp. 453, 537 et sqq.; *Pagi*, Crit. ad Baron. ann. 871, §§ 10-14, pp. 249 et sqq., compared with *Fleury*, tom. xi. pp. 323-370.

[j] Translations were always regarded by Rome as prerogative cases. The canons were hostile to all clerical migration; and the pontiffs, as conservators (l) of the canons, claimed the sole right of determining the exceptional cases in which translations might be permitted. Conf. ch. i. of this Book, p. 247 note (a).

[k] In conformity with the canons of Sardica, now the stalking-horse of the Gallic controversialists.

proceeding with the cause of Hincmar of Laon pending an appeal to the holy see, he pronounced that, inasmuch as they had faithfully reserved the ultimate jurisdiction of that see, he would abstain from setting aside their judgment, or insisting upon the preliminary reinstatement of the appellant: but he commanded them without delay to send the deposed prelate to Rome, together with "a properly qualified accuser to whom no legitimate objection could be taken;"[1] and in the mean time to refrain from instituting any other bishop in his place.

The pope rebuked by the king and the primate.

The pope had therefore in this case dropped the pretension that, an appeal to Rome once lodged, the original jurisdiction is thereby superseded. The judgment and sentence of the council of Douzy was permitted to stand good, subject to any future revival of the cause by the pontiff or the appellant. The Gallic prelates were, it seems, content to let the matter rest in this posture; and new political disputes concerning the inheritance of the kingdom of Lorraine, vacant by the death of Lothar II., and the ill-advised attempt to screen the vices and crimes of the reprobate Carlmann, tended to produce in the mind of the pope a desire for a more amicable relation with the court of Charles the Bald, and disposed him to listen with unwonted forbearance to a sharp rebuke from the pen of the primate, while indignantly repelling in his own name and in that of his sovereign the "foul, frothy, and arrogant language" in which throughout the controversy this pope had indulged towards his sovereign and the prelacy of France.

Letter of Charles the Bald to Hadrian II.

"You tell us," the king complains, "without the smallest proof, that we are a faithless and perjured tyrant and schismatic: you asperse us as a grumbler and vociferous disturber of the peace of the church; though you have not ventured to quote against us an intemperate word in the letters we have from time to time addressed to your holiness. Such expressions are so utterly at variance with the habitual

[1] "Accusator idoneus, qui nullâ possit auctoritate legitimâ respui." See the letter of Hadrian II., ap. *Pagi*, Crit. tom. xv. p. 253. The difficulty of providing an "accusator idoneus" may be judged of by reference to Book VI. c. vii. p. 204 of this work.

discretion and caution of the holy see, that we at first imagined the letters we received must be forgeries. Then you excuse your unbecoming heat by reminding us that it is our duty to receive with meekness all that proceeds from that holy see over which you preside.[m] Is it intended by this that we shall submit to be slandered by your holiness? that we are to bear with humble submission charges of perfidy, perjury, and tyranny? that we should accept these mild castigations with humble gratitude and reverence at your paternal hands? God forbid that we should so disgrace ourselves! For if we pass over imputations like these in silence, we thereby tacitly concede the truth of the aspersions, baseless and wanton as they are: yea, we admit ourselves to be at once unworthy of the throne we occupy and of the communion of the church we enjoy. Again, in your address to us on the late occasion you employ such words as, '*We will*, and by apostolical authority we *command* you without delay to send the said Hincmar to our holy city,' and so forth. Such expressions as these it is equally unbecoming in you to use and in us to hear; in you more especially, because you thereby introduce into the language of the church the soul-darkening conceit, the pride, and the vanity of this world.[n] But we desire to know where you have found it written that a sovereign prince might be *commanded* by apostolical authority to send one of his subjects, after legal conviction of a civil crime, to Rome, to be there judged by the pope."

Charles vindicates the political against the ecclesiastical judicature.

In the sequel of this able and spirited remonstrance the king contended, that if the bishop of Laon had been guilty of a purely spiritual offence it would not have been for him to impede his recourse to Rome; but the delinquent was not merely a spiritual prince, but a feudatory of the crown, and therefore amenable to the sovereign for any

[m] "Bishops and priests—*à fortiori* popes—are to be borne with, and not reprehended for their evil deeds." See Book VI. c. vii. p. 201 of this work.

[n] "Umbrosum typhum hujus sæculi," —almost in the words of the African council of 422 to Pope Cœlestine I. There can be little doubt that Hincmar had this passage in his mind when he penned the rebuke he puts into the mouth of the king: conf. Book II. c. ii. p. 309 of this work.

offences committed in his temporal capacity. Now the bishop of Laon had been convicted of civil crimes of which the sovereign of the state was the lawful judge; and such, he affirmed, had always been the law of the church as well as of the state: "We therefore," he continues, "beseech your holiness to send us no more commands—to molest us no longer with threats of excommunication, so subversive of our just rights, so contrary to holy Scripture, the doctrine of the fathers, and the sacred constitutions of the church. For we know that whatever is written or done contrary to these hath no force or effect, and that *the privilege of the chair of Peter exists only so long as it is supported and directed by the righteousness of Peter*. . . . Force us not by outrage and insult to despise and set at naught your letters and messages, to all which, within the proper limits of your ministry, we desire to pay due respect: for we are fully convinced that whatever cometh from the apostolic see, *if it be in accordance with holy Scripture, the doctrine of the fathers, and the decrees of the orthodox councils*, is to be reverently received and devoutly obeyed; but that whatever is contrary thereto is to be cast aside and rejected, let it come from whomsoever it may."[o]

Legal grounds of vindication.

With a view to comprehend the full drift of this remonstrance, it should be borne in mind that, although by the existing law of the Gallican church a bishop could not be tried by any but his spiritual peers, yet that, in case of civil crime committed by a bishop, the king or prince was competent to convoke the proper tribunal and to stand forth as prosecutor in the cause; a character which, in purely spiritual causes, he was not at liberty to assume. The false decretals, however, made no distinction between civil and ecclesiastical offences; no layman of any rank was admitted as a "qualified accuser" of an episcopal or clerical offender.[p] This was the principle to which the archbishop

[o] See the remonstrance *in integro*, ap. *D. Bouq.* tom. vii. p. 542; conf. *Fleury*, tom. xi. p. 371, and the wrathful visitation of Cardinal Baronius upon the head of Hincmar of Rheims and the "political heretics," as he calls them: ann. 871, §§ 90-96, pp. 256-258.

[p] See the often-quoted epistles of *Fabian* (ep. ii.) and *Evaristus* (ep. i.).

of Rheims desired to oppose an emphatic contradiction. The competency of the pope to evoke any cause to himself was, he contended, confined to spiritual crimes or misdemeanors; for these alone, he affirmed, were the proper objects of the privilege of the see of Peter. "But you, the pope," he sarcastically observes, "have set up *a new law*,—a law no one before ever heard tell of,—by which *you reduce princes to be your bailiffs* to bring delinquents before your tribunals; and thus, by setting yourself up as supreme judge and arbiter in matters having no relation, however remote, to your true spiritual function, you invade the prerogative of the temporal sovereign, and deprive the law of the land of all force or effect in his hands." It is remarkable that the most intelligent, and perhaps the most learned, man of his age should have possessed so little critical knowledge of ecclesiastical antiquity as to be incapable of detecting the deception which had been so lately practised upon the church. A very superficial criticism would have sufficed to detect the false foundation on which this "*new law*" rested. Yet the only remedy he could apply lay in an indirect rather than an express denial of the favourite maxim of the Roman church, that her traditions, when promulgated by herself, were binding on all the world; and in setting up the law and usages of the subject-churches against those of the dominant church of Rome.

Deficiency of the vindication.

For the present, however, success appears to have attended his exertions in the common cause. The fathers of Douzy, upon his motion, wrote to the pope, deprecating the tone of his former letters, yet in some measure extenuating it by the civil suggestion that his many avocations might have prevented him from inquiring fully into the merits of their proceedings; but they roundly insisted that, by the rule laid down in the canons of Sardica,—which, they said, had been read before them in council,—the appellant must be sent back to France, in order that, if required, the cause might be reheard before themselves, in conjunction with delegates or assessors to be appointed by the holy see.[q]

Retractation and excuses of Hadrian II.

[q] See the terms of these canons, in Book I. c. ix. pp. 206, 207 of this work.

Upon the receipt of these vigorous remonstrances, Pope Hadrian dropped the offensive tone he had hitherto assumed; he declared that the explanation tendered to him by Archbishop Actard on their behalf had convinced him of the integrity of the king's intentions, and that he should hereafter ever love and cherish him as a favoured son. "Though," said he, in his address to the king, "it may be that letters conveying different sentiments have reached the hands of your highness, yet those letters may, for aught we know, have been sent without our knowledge, or they may have been extorted from us in the hour of our infirmity, or may even have been forged by others in our name. Rest assured, however, that the feelings we now express, notwithstanding appearances, were always at the bottom of our heart." To the synodal letters he replied, that circumstances touching the irregularities of the bishop of Laon had been brought to his knowledge which had induced him to suspend his judgment; yet, as that person had appealed to the holy see, leave must be granted him to proceed to Rome, if he should think fit, in order to enable the pope, if he should see good ground, to direct proper surrogates to accompany him as assessors at his trial, *yet without preliminary restitution* to honour and estate; in order that, by pontifical authority, the whole matter of charge be *reëxamined within the province* in which the cause of action accrued, and be then and there canonically determined.[r]

Death of Hadrian II.; accession of John VIII.

Pope Hadrian II. was thus driven for the present from the decretal ground, and, as it were, forced back upon the platform of ecclesiastical legislation. But the pontiff did not long survive his discomfiture; he died in the year 872, and was, with the consent of the Emperor Louis II., succeeded by the Archdeacon John, who ascended the throne by the title of John VIII. The year before his death, Hadrian II. had foreseen, and in a manner provided against, the demise of the Emperor Louis. Among the expected competitors for the imperial crown, he had selected the line of

Demise of the Emperor Louis II., and coronation of Charles the Bald.

[r] See the original letter, ap. *D. Bouq.* tom. vii. pp. 456-458.

France and Lorraine in preference to that of Germany, and had promised his support to King Charles the Bald. John VIII. remained firm to the French alliance; and upon the demise of Louis II. without issue, in the year 875, Charles was enabled to reach Rome before his rivals, and was there crowned emperor, and invested with the patriciate, by Pope John VIII. The new pontiff—a man of activity and ability—had managed to extract advantages from this transaction that cannot be too highly estimated. Before the return of Charles to France, a general diet of the Italian kingdom was, at his instance and under his presidency, convoked at Pavia. Charles was unanimously elected and crowned king of Italy, as an appendant dignity to that of the imperial crown; which dignity the diet expressly declared to *move from the pope, as of the grace and favour of the holy see,* with strict reservation of the honours, territories, and prerogatives of that see, and of all the privileges and immunities of the clergy and laity of the realm.[s] In this transaction the rule of primogeniture, which up to this time had governed the succession to the empire, was set aside by the arbitrary act of the pope; the kingdom of Italy was made to appear as a natural dependency of that supreme dignity; and both were, almost as clearly as words could express intention, surrendered into the hands of the Roman pontiff. But this verbal surrender was not the whole price Charles had contracted to pay for the gratification of his vain and puerile ambition. Two papal legates followed the new emperor into France; and in the month of June 875 Charles convoked a national synod at Pontyon, to procure the adoption of the terms agreed upon with the pope at Pavia. The primate, Hincmar of Rheims, with six archbishops and forty-three bishops, answered the imperial summons. The legates read before the assembly a papal brief by which the pontiff appointed Ansegisus archbishop of Sens to be resident legate and vicar-general of the holy see in the kingdoms of France and Germany, with authority to convoke all councils and

Terms of compact with the pope: the imperial crown.

Synod of Pontyon.

[s] See the report, ap. *Murat.* Ss. Rr. Ital. tom. ii. pt. ii. pp. 150-158.

Papal encroachment.

to adjudicate upon all ecclesiastical causes in the name and on behalf of the pope. The new legate was to be the sole channel through which the papal commands were to pass to the bishops of the realm; it was to be his duty to report to the holy see upon every step taken in the execution of his instructions, and to take the pleasure of the pontiff upon all cases falling within the class of the "majores" or "difficiliores causæ."[t]

Resistance of the bishops.

The bishops craved time to consider more at their leisure the terms of this extravagant encroachment on the privileges of the national church; the emperor, however, harshly refused their reasonable request, and called upon them for an immediate reply. The bishops rejoined that they were at all times ready to obey the commands of the pope, *saving always the privileges of the metropolitan sees*, and as far as they might lawfully do so in conformity with the canons of the church and the decrees of the pontiffs. No other answer could be extracted from them; and the emperor put an end to the first session by personally delivering the papal commission into the hands of Ansegisus, and seating him, amid the indignant protests of all present, above the primate and every other member of the Gallic synod, as vicar and representative of the holy see.[u] The discussion appears, however, to have been prolonged through six fruitless sittings. No more precise reply could be obtained than that "the prelates were prepared to pay the like obedience to the brief of Pope John VIII. they had been accustomed to pay to those of his predecessors;" and the synod was dissolved with no other result than to arouse a spirit of resistance in a high degree obstructive of the ultimate design of the papacy. Ansegisus felt that he could no longer retain his commission of vicar-general;

The legantine power in France.

and no course remained to avoid flagrant defeat but to establish the two papal legates[v] in France, with powers in all respects identical

[t] "Majora negotia et difficiliora quæque, suggestione ipsius (Ansegisi), a sede Apostolicâ disponenda et enucleanda." *Baron.* ann. 876, § 18, from *Aimoin.* lib. v. c. xxxii.

[u] Charles on this occasion disclosed to the assembly that, providing against their resistance, the pope had given him full powers to act as the plenipotentiary of the holy see: see *Baron.* ubi sup.

[v] The bishops of Toscanella and Arezzo.

with those intended to be exercised by the resident vicar. The results of the legantine interference speedily confirmed the worst apprehensions of Hincmar. The introduction of the novel judicature gave rise to innumerable disorders in the church; insubordination was encouraged, bishops and priests resorted to the legates upon every imaginable pretence, and obtained papal rescripts adverse to all canonical order and destructive of all discipline. The primate boldly flung back the responsibility for all this mischief upon the pontiff. He protested that the right of appeal to Rome belonged to bishops only, and that no other resort was open to their inferiors but the court of the metropolitan and his assessors. He referred pointedly to the condemnation and prohibition of appeals beyond sea by the African churches,[w] and very reasonably affirmed that the like prohibition must extend to appeals beyond the Alps. It was impossible, he urged, for the bishops of France, in support of their functional jurisdictions, to be on every occasion of frivolous appeal prepared to draw up reports, to despatch delegates, instruct attorneys, and forward witnesses to Rome: such appeals, he said, might and would often be sued out without notice to the accuser, and in such cases it would be no difficult matter for any turbulent or malignant priest to establish innocence where no one could be present to support the charge against him; a consideration which, he said, clearly proved the wisdom of the fathers in directing that all trials should take place upon the spot where the charge arose, and showed how irrational they deemed it to compel the bishops to travel to Rome to support their judgments.[x]

Hincmar against appeals.

Pope John VIII. had, in fact, taken up, in another shape, the project which had dropped from the hand of his predecessor. Under happier auspices, and by a bolder and more direct course, he hoped to convince the recusant bishops of France that no ecclesiastical privilege could deprive the court of Rome of an unlimited right of intervention in all ecclesiastical

Scheme of Pope John VIII.

[w] See Book II. c. i. p. 289 of this work.

[x] See the abstract of *Fleury*, H. E. tom. xi. pp. 401, 402.

causes. By the same process, he desired to accustom the Gallican prelacy to regard all conciliar action as proceeding directly from the mind and motion of the holy see.[y] The establishment of a perpetual vicariate which should, at every step they might take, remind them of the omnipresence of the pontifical power, seemed at once to present the best mode of dividing and governing the Gallic churches, and of obviating one of their most material objections to appeals to Rome. And it is not improbable that in more tranquil times the industry and perseverance of this active pontiff might have been rewarded with success. But every part of the social system in France and Germany was at this moment so broken up and shattered as to afford no steady fulcrum for any regular or consistent application of the spiritual powers. In Italy, the pontiff was contending single-handed against heathen Saracens and a host of domestic foes. In France, the devastations of the Northmen, and the puerile ambition of the monarch, in a great degree deprived him of the benefit of the state alliance, and lamed his efforts for the subjugation of the national church. After the friendly assistance rendered at Pontyon, Charles dropped all further thought about his engagements with the pope. The death of his elder brother Louis of Germany, in the year 876, opened a prospect of adding that kingdom to the feeble mass of territories which owned him as the nominal sovereign. But a defeat which he suffered at Andernach on the Rhine bereft him of the power and inclination further to molest the sons of Louis the German. Pope John now clamorously demanded his presence as protector of the holy see against his turbulent neighbours and their allies the Saracens. Charles advanced as far as Pavia on his way to Rome; but was scared back to France by a false alarm of the advance of his nephew Carlmann from Germany with a view to cut off his retreat. He accordingly hurried across the Mont Cenis into Savoy, where a malignant fever caught in Lom-

Obstacles to the scheme.

Misfortunes and death of Charles the Bald.

[y] A favourite theory of the Isidorians. See *Anaclet.* ep. iii. § 4; *Alexand. I.* ep. i. §§ 1, 2; *Sixti I.* ep. ii., more especially § 3. See also on the same topic, *Anicet.* Ep. § 3, and *Victor I.* ep. i. § 3: conf. *Marcelli* ep. i.

bardy suddenly cut short his career, in the fifty-fourth year of his age and the thirty-seventh of his unfortunate reign (A.D. 877).

By this event the imperial dignity fell once more into abeyance. Charles the Bald was succeeded in his kingdom of Neustrian France and Lorraine by his weakly son Louis, surnamed the Stammerer. John VIII. arrived as a refugee at Arles in Provence on the day of Pentecost in the year 878; and in the expectation of engaging the united powers of the two kingdoms in a holy war against the enemies of the papacy, he convoked a general council of both at Troyes in Champagne. But the assembly was found to be so lukewarm in his cause, that, after some ineffectual solicitations, in which the Gallic prelates showed more anxiety for the maintenance of their privileges than for the interests of the holy see, he was reluctantly compelled to retrace his steps. On his return to Italy he was escorted by Boso earl of Vienne, who had married a daughter of the Emperor Louis II.; and in the hope of engaging that powerful vassal of the French crown in the defence of the territories of his church, he consented to the dismemberment of the kingdom of his ally and friend. Boso was, with the knowledge and consent of the pope, crowned king of Provence, with a territory comprising the entire region afterwards known in history as the kingdom of Cisjurane Burgundy. In the interim, Carlmann, the eldest son of Louis the German, had been acknowledged as their king by the clergy and estates of Lombardy and Italy. After his premature death, his younger brother Charles, surnamed the Fat, had succeeded to the empty honours of the Lombard crown. In the year 880, the young king proceeded to Rome, where Pope John, to whom the elevation of Boso had brought none of the advantages he had expected from it, conferred upon him the imperial crown.[z]

Ill success of John VIII. in France.

Boso king of Provence.

Charles the Fat emperor.

In France, the sickly Louis II. (the Stammerer) had

[z] *Hincm.* Annal. ann. 880, ap. *Pertz*, i. p. 515. We shall have occasion in a subsequent chapter to revert to these transactions in connection with the political position of the papacy during the pontificate of John VIII.

Louis III. king of France.

died (A.D. 879); and his two sons, Louis III. and Carlmann, became the joint occupants of the throne. In that kingdom, as in Italy, the powers of the crown had fallen into hopeless decrepitude; and the first attempt of the young King Louis to exercise a right which, up to a late period, had met with little contradiction, became the signal of a vehement outburst of sacerdotal indignation. The king, it appears, had nominated his chaplain Odacer to the vacant bishopric of Beauvais. A synod held at Fismes in the month of April 881, under the presidency of Hincmar of Rheims, peremptorily quashed the royal appointment. The *right* might perhaps be questionable, the practice was in favour of the crown; but Hincmar, with an insolence of language hitherto unparalleled in the intercourse of the clergy with the sovereign, declared the royal mandate to be "a voice from the pit of hell—the hissing of the old serpent." With a hardihood equal to its falsehood, he affirmed that such a pretension had never entered into the heads of his great and glorious predecessors. The king in reply reminded the archbishop that the law of the realm made the license from the crown necessary to a valid election, and that it was customary to choose the person designated by the king, inasmuch as the greater part of the estates held with the sees of France were donations of the crown.[a] Hincmar made light of the resentment of his sovereign, and slipped aside from the argument. For his own part, he protested that he had owed his own election neither to court nor prince; on the contrary, he and his colleagues the bishops *had elected Louis himself* to be their king, to govern them according to law. "Look," said the arrogant priest, "to your own position. See where they have laid your forefathers; read their epitaphs—the life of each shorter and shorter as they recede from their great ancestor (Charlemagne). Beware, then, how you follow their wicked example; or, like them, set yourself up against

Hincmar against crown-nomination.

Insolence of Hincmar.

[a] Not ecclesiastical, but lay or feudal estate.

Him[b] who died for you, yea, and is risen again that He dieth no more. *You* shall very soon pass away; but the church and its pastors, with Christ at their head, shall never pass away. If," he added, "I have sinned in consenting to your election, I pray Almighty God that my punishment may fall upon me in this world by the hand of an evil-minded prince rather than in the world to come." As to the intruder Odacer, he signified his final resolution to pursue him with spiritual censures to the remotest corner of the kingdom, rather than that he should retain an atom of his usurped power, or perform sacerdotal function of any kind.[c]

Law and custom of lay and ecclesiastical barony.

It is not unimportant to observe in this place, that since the age of Charlemagne the political position of the episcopacy had undergone an important change. Both before and after that period the clergy had been indefatigable in their efforts to place themselves upon a level with their co-estates by the acquisition of crown grants;[d] all of which still retained the character of lay estate, and were therefore liable to all except the merely personal incidents of feudal tenure. The right of providing properly for the performance of the services attached to these tenures or baronies had, in legal consequence, drawn after it the right of the sovereign to a voice in the appointment of the person who was to perform them. After the transformation of the original benefice into a heritable fief, all such secular estate or barony granted to abbeys and churches became transmissible to the successors of the grantees, as, in the case of the like tenures in lay hands, they descended to the heirs of the last tenant. But in both cases the estate might be forfeited for treason, or for non-performance of the conditions of the tenure; and in both the *legal* right of the lord to insist that the holders should be properly qualified to perform the duties annexed to the estate was the same. It is not, however, to be denied that the feudal law on this point is in ap-

[b] Viz. by nominating or appointing to the vacant see.

[c] *Hincm.* Epistt. iii. and iv., ap. *D. Bouq.* tom. ix. pp. 259-262; and conf. *Fleury*, tom. xi. pp. 506-511.

[d] Conf. Book VI. c. ii. pp. 62 et sqq.

Conflict of feudal and ecclesiastical law.

parent contradiction to the ecclesiastical rule. It had been enacted by a capitulary of Charlemagne, confirmed by a subsequent ordinance of that prince and a later regulation of Louis the Pious,[e] that "the bishop shall be elected by the clergy and people of the diocese, according to the canons, without acceptance of person, without fee or reward, and solely in consideration of his spotless life and gifts of wisdom, in order that he may be profitable to his flock both by his example and his preaching." This ordinance contains no reservation on behalf of the royal authority; yet in almost every precedent within this period the decree of election expressly specifies that it is made *at the desire*, or *with the consent, of the king*. It is therefore not too much to presume that a bishop could not lawfully be thrust upon the sovereign without his consent; in certain cases it appears even to have been open to him to present a candidate; at all events, there seems to be no doubt that the voice or influence of the crown at some stage or other of the proceedings had been customary, and admitted without complaint in the Gallic churches.[f] Hincmar himself could not deny that the descendants of Charlemagne had, in conformity with far more ancient practice, frequently exercised such right or influence;[g] but as a strict canonist he would not have far to go to find arguments for the absolute exclusion of the royal vote and influence in the appointment to ecclesiastical functions, and might, in a case in which so direct a participation in a purely spiritual proceeding was claimed *as a right*, be excused for expressing his dissent in any terms, however bold, if consistent with episcopal forbearance and decorum.[h]

[e] See the capitularies of Charlemagne and Louis the Pious, ap. *Baluz*, tom. i. pp. 561, 564 and 718.

[f] In the three instances produced by *Fleury* (tom. ix. p. 515) the decree of election expressly states that it is made with the consent of the king.

[g] It is remarkable, that in the three cases alluded to in the preceding note the decrees of election, containing the obnoxious intimation, had passed under the eye of Hincmar himself without exciting his attention.

[h] The law and the practice of episcopal election appear to have been ever at variance with each other. The intervention of the laity—prince or people—was admitted, modified, or excluded, according to the fluctuating balance of power in church and state. The later rule seems to have militated against lay interference. See the whole subject learnedly treated by *Van Espen*, Op. tom. i., Jus Univ. Eccl., tit. xiii. pp. 81 et sqq.

Successful resistance of the French clergy.

The issue of the contest between the king and the archbishop could not be doubtful. At this stage of the decline of the Carolingian dynasty those princes had fallen into a state of dependence on the great vassals of the crown resembling that of their Merovingian predecessors under the later descendants of Clovis. In such a state of public affairs the hierarchy of France swam with the current. Deprived of the support of the sovereign, no other course was left them than to desert the falling palace, and to resort to those methods of independent acquisition which might enable them to preserve their political level with the preponderant vassalage of the realm, in which almost all the powers of the state were now concentrated. The same self-reliant spirit which had stimulated them in the defence of their liberties against the assaults of the reigning and the two preceding pontiffs, inspired them with indignation and contempt for the ill-timed attempts of the powerless prince to carry out pretensions against the church he could no longer make good against his temporal subjects. In Hincmar they found a leader endowed with the qualities requisite to head them in the path of independence; and under him a double victory—against the pontiff and the decretal scheme on the one hand, and against the obnoxious intromission of the civil state on the other—was achieved.

CHAPTER IV.

NICOLAS I.—PAPAL PREROGATIVE AGAINST SECULAR POWER.

Subject of the chapter—Sacerdotal jealousy of the civil state—Antagonism of ecclesiastical and political power—Treacherous invasion of France by Louis the German—Expulsion of Louis from France—Treaty of Coblentz (860)—Lothar II. divorces his wife Tietberga—Hincmar on the responsibility of kings—Lothar II. and Tietberga severally appeal to Pope Nicolas I.—Character of the appeal—Lothar II. marries and crowns Waldrada—Papal commission of inquiry; eluded by Lothar—Synod at Rome, and condemnation of the two archbishops—Uncanonical character of the proceeding—Denunciations of Nicolas I.—Protest and remonstrance of the two archbishops—Violent conduct of the remonstrants—Errors of the remonstrants—Louis II. in the cause of the two archbishops—Repentance of Louis II.—Ineffectual retractation of the two archbishops—Decline of social morals; the remedy—Appeal of Boso of Provence—Appeal of Judith (Countess of Flanders)—Mission of Arsenius—Papal mode of intercourse with princes, &c.—Proud mandate of Nicolas I. to the prelates, &c.—Lothar II. takes back his repudiated wife—Robbery of the legate—Waldrada and Ingeltrudis escape from the custody of the legate—Cruelty of Lothar II., and divorce-suit of Tietberga—Repelled by Nicolas I.—He prohibits the revival of the divorce-suit—Lothar II. threatens the pope with a visit—Nicolas deprecates the proposed visit—Angry inhibition—Appeal of the Empress Hildetrudis—Papal interposition in secular affairs—State of the public mind on papal interposition—How the popes availed themselves of that state, &c.—Right of moral superintendence—*Who are true kings and princes*—Papal measure of the obligation of obedience—Derivative power of kings and princes—Illimitable character of the papal prerogative—General judgment on Pope Nicolas I.

Subject of the chapter.

THE plan of the three preceding chapters has led us to trace, as far as existing materials have enabled us, the advances of the pontifical prerogative upon the rights of the clergy—metropolitans and bishops—in pursuance of that scheme of decretal legislation which was becoming, almost from year to year, more and more the favourite object of papal solicitude. The series of incidents and transactions forming the subjects of this and the ensuing chapters present the progress of the pontificate in a different aspect. Our attention must now be

turned to its action and influence upon the prerogatives of crowns and of secular interests within the period we have so lately surveyed.

Sacerdotal jealousy of the civil state.

The foregoing pages may have led to the inference that the boundary-line between the ecclesiastical and the secular powers, in matters either of privilege, property, or jurisdiction, was in no respect clearly defined. Jealousy of the civil power showed itself as a sentiment quite distinct from the jealousy of papal encroachment in the minds of the superior clergy. Though neither pontiffs nor churchmen neglected to avail themselves of the aid of the secular state for the promotion of their respective views, yet when those views clashed with the claims of the church we discover a clear resolution, a certain, determined, and conscientious resistance; while in their conflicts with the spiritual chief there is a perceptible under-current of hesitation and doubt. Hincmar of Rheims, the spokesman of his age, did not shrink from the largest reservation of power and authority on behalf of the holy see that was at all reconcilable with the accustomed form of government adopted by the churches over which he presided. But as soon as he plants his foot upon the boundary of the secular state, or steps a trifle over it, every trace of hesitation or reserve vanishes from his discourse; the boldest renunciation of obedience, the most daring defiance of the powers of the world, flow from his lips as the outpourings of a profound sense of religious duty, in the performance of which no respect of person—provided he were neither priest nor pontiff—could be allowed to stand in his way.

Antagonism of ecclesiastical and political power.

The malignant spirit of the false decretals[a] had long since found an echo in the hearts of the churchmen; in fact, the church was at bottom the ally of Rome for the depression of the temporal state to a level at which it might perhaps be helpful, but could not be dangerous, to ecclesiastical pretension. The providential good that often arises from the conflicting vices of human society, cannot convert those vices

[a] Conf. Book VI. c. vii. p. 200 of this work.

into virtues. History treats of action and its motives. She describes them as she finds them, and is often reluctantly obliged to look far beyond the moral deserts of the actors in estimating the merits of the resulting effects. Whether Christianity could or could not have retained its hold upon a semi-barbarous generation without an endowed and a powerful priesthood, is a question which history cannot solve; but it is very obvious that in so rude an age, and under so severe a pressure from without, such an establishment, once in existence, could only be defended by means in the main analogous to those by which other corporate or individual rights were maintained. It may indeed be said, that power of some sort is in all stages of human society the ultimate warranty for the security of social rights; but it is only in the most advanced that there is any safety but in political preponderance or positive dominion. We could hardly lay our finger upon any period in the world's history in which all the circumstances of the times might more powerfully contribute to nourish the conviction that possession without the power to take was hardly worth an hour's purchase, than that which must now pass under our review.

Treacherous invasion of France by Louis the German.

Retracing our steps to the accession of Nicolas I. (A.D. 858), we observe that at that point of time there was a cessation of party strife in the republic of Rome, and that the restoration of internal peace was followed by an increase of external respect and influence in some degree commensurate with the disorganised state of governments elsewhere. In France and Germany, ambition and greed, vanity and envy, resentment and perfidy, governed the princes in their mutual dealings; treachery, intrigue, venality, and perjury were the ordinary implements of their policy; the result—poverty, distress, and decrepitude. In the year 855 the Emperor Lothar died, bequeathing his dominions to his three sons, Louis king of Italy (afterwards the Emperor Louis II.), Lothar, and Charles. Italy remained to the elder without increase; Lorraine and a large portion of Belgium and

the Netherlands fell to Lothar; Charles became the acknowledged sovereign of the tract of country lying between the Rhone, the Alps, and the Mediterranean.[b] Dissatisfied with this distribution, Louis of Italy, with the assistance of his brother Lothar of Lorraine, managed to rob the younger Charles of the greater part of his inheritance. The uncle of both, Charles the Bald, king of Neustrian France, was at this moment reduced to extreme distress by rebellion at home, and the unopposed ravages of the Normans on his maritime frontier to far into the interior of the country. Louis of Germany thought this a favourable moment to seize and appropriate the crown of France. He accordingly marched an army into the heart of that country, and purchased the venal homage of his brother's vassals by lavish gifts of crown-estate and privilege. Relying upon their professions of loyalty, he dismissed his forces; but in a short time found himself powerless to encounter the aggravated evils of internal insubordination and foreign invasion. Charles the Bald, whose better qualities were more apparent in adversity than in prosperity, had never been wholly abandoned by his lieges; and Louis, smarting under the bitter reproaches of the French clergy[c] and the faithless desertion of the renegade vassals, precipitately abandoned the kingdom and retired across the Rhine.[d]

This ephemeral usurpation discloses to our view a lamentable scene of profligacy and venality. Availing themselves of the public calamities, and the increasing indigence of the crown, the vassals of France were in the habit of putting their services for auction to the highest bidder. By this process of extortion the king was speedily exhausted of all he had to give; and when that was gone, the court was driven to confiscation and robbery—without exemption of church-property—to purchase their worthless al-

Expulsion of Louis from France.

[b] This region was afterwards known by the name of the Cisjurane Burgundy; later still, by that of the kingdom of Arles or Provence.

[c] See the stinging letter of Hincmar of Rheims, ap. *D. Bouq.* tom. vii. § 6, p. 520.

[d] *Annal. Rudolf. Fuldens.* ann. 858, ap. *Pertz*, i. pp. 371, 372.

legiance. Louis of Germany, during his short usurpation, had, with the like improvidence and folly, put the finishing stroke to the ruin of the revenue. "You came," said the primate, "as our deliverer from the oppression of a domestic tyrant, and from the ravages of our heathen persecutors; but you have perpetuated the tyranny, and have done nothing towards the expulsion of the invaders. Ask, therefore, neither counsel nor aid from us; rather reform your own court and conduct, so as to render such assistance needless." The failure of the criminal enterprise of Louis of Germany, however, led to a temporary restoration of concord between the different branches of the Carolingian family. That prince sent an apology for his late usurpation to the pontiff, and to his nephew the Emperor Louis; and a short time sufficed to bring the understanding between the kings of France, Lorraine, and Germany to a satisfactory conclusion. In the month of July 860, the three princes met at Coblentz on the Rhine; and there concluded a treaty of amity, family union, and mutual guarantee, including the emperor and his younger brother Charles of Provence.[e]

Treaty of Coblentz.

The political and moral decline of the descendants of Charlemagne was rapid beyond example in the history of dynasties. The bulk of the dominions of the wayward and faithless first-born of Louis the Pious, Lothar, had fallen to his voluptuous and equally worthless son, Lothar II. In the year 855, and in the lifetime of his father, he had married Tietberga, the daughter of the powerful Boso, earl and afterwards king of Provence (A.D. 879). His affections, however, had been previously bestowed upon Waldrada, a lady of rare beauty and powers of fascination; but whether as his wife or his mistress is not very clearly disclosed. The result of this attachment, however, was, that within the second year after his marriage with Tietberga he took steps to obtain a divorce, with a view to raise his favourite Waldrada to the rank of queen. For this purpose, he publicly preferred charges against his lawful wife of so foul a character as

Lothar II. divorces his wife Tietberga.

[e] *Annal. Fuld. Rudolf.* l. m. c. p. 375.

almost to refute themselves. Yet upon this impeachment, improbable as it was, he convoked a synod of bishops at Aix-la-Chapelle. The queen claimed the ordeal; her champion passed through the trial by boiling water unscathed, and she was acquitted. But soon afterwards, in a moment of weakness, and probably in her anxiety to escape the cruelty of her ruthless husband, she was induced to put her hand to a confession of the truth of the charges. Armed with the extorted document, Lothar collected an assembly of his own sycophants,—among them the archbishops Gunthar of Cologne and Teutgaud of Treves, and the bishop Adventitius of Metz,—and obtained from them a decree of divorce, which at the same time consigned the persecuted queen to rigid seclusion and penance for the remainder of her days.[f]

Tietberga, however, found means to escape from her prison, and took refuge at the court of Charles the Bald. Archbishop Hincmar espoused her cause with his usual vehemence; he pronounced the charges against her to be altogether incredible, and the means used to extort the confession nefarious beyond the reach of pardon. To this rebuke, the bishops of Lorraine pleaded that their sovereign was a king crowned and anointed of God, therefore not to be made amenable to any law or judicature but that of God, who had placed him on the throne. Hincmar replied that such a doctrine was simple blasphemy. "If," he affirmed, "any man be a king in the only genuine sense of the term,—that is, if he be governed in all his acts by the will of God alone—if he go before the good in the path of righteousness, and lead back the wicked from the error of his ways,—then is he indeed responsible to God alone. But if he be an adulterer, a murderer, an unjust judge, a robber, or one addicted to occult vices, then is he no true king, and shall be judged by the priesthood, who sit in the judgment-seat of God. For there be two powers on earth, the priest and the king; *but the priest is the more exalted, and by him alone shall kings be judged.*"[g]

Hincmar on the responsibility of kings.

[f] *Hincm.* Rhem., ap. *D. Bouq.* tom. vii. p. 292 : conf. *Luden*, Gesch. der Deutschen, vol. vi. p. 521.

[g] In other words, the king is to be

The issue raised between the advocate and the adversaries of the queen was sharp and decisive. It could scarcely be denied that this case came within the description of the "difficiliores causæ" which were very generally allowed to lie peculiarly within the jurisdiction of the supreme pontiff. Tietberga, therefore, was advised to lay her complaint before Pope Nicolas I. She alleged in her libel that she was the lawful wife of King Lothar; that she had been unlawfully and unjustly repudiated by her husband; and that she had, by the most cruel persecution and duress, been compelled to sign her hand to her own condemnation. She therefore craved restitution of her rights, and such redress as the pontiff might award for the injuries she had received. About the same time Lothar himself appears to have taken the like step, in the expectation of a favourable decision. He rested his cause mainly upon the allegation that at the time of his marriage with Tietberga he was under a pre-contract with Waldrada; but that his father had compelled him by violence and intimidation to marry the daughter of Boso.[h] The unsolicited act of both applicants, therefore, put the pope in possession of the cause; and Nicolas treated them as parties to an original suit, properly falling within his jurisdiction as supreme ecclesiastical judge. In modern times the divorce is treated as the civil consequence of the ecclesiastical nullity of the marriage; but at the period under review, and for many subsequent ages, the pontiffs were in the habit of dealing with the question of divorce as a purely spiritual concern: it was a question as between subject and sovereign; out of which, whether originating with the spiritual prince or moving from the parties themselves, no result but that of unconditional obedience could flow. In the year 863 Nicolas deputed two Italian bishops to call together a council, to consist of two prelates from the kingdom of Neustrian France and two from Germany; the six together to form

Lothar II. and Tietberga severally appeal to Pope Nicolas I.

Character of the appeal.

responsible to God alone when he has nothing to answer for; in all other cases he is to be subject to the priest.

[h] See the letter of Adventitius of Metz, ap. *Fleury*, tom. xi. p. 77.

a committee of inquiry, and to make their report to the pope upon the single question whether Tietberga or Waldrada was the lawful wife of King Lothar of Lorraine.[i]

But even before the arrival of the papal commissioners, Lothar's impatience forestalled the decision. A second synod of his bishops, assembled at his desire, had formally pronounced sentence of divorce; and upon that decision he publicly married Waldrada, and caused her to be crowned as his consort. For this flagrant contempt, Pope Nicolas treated the king as a criminal amenable to his sovereign tribunal. The commissioners were instructed to assemble the bishops of France and Germany,—omitting those of Lorraine, as accomplices in the crimes of their principal; to summon the king to appear before them, and after hearing his defence to pronounce a canonical judgment. But, he added, if the king should decline to appear; or after appearance and judgment should refuse due satisfaction and penance, and should still persist in his sinful life, they were forthwith to pronounce him excommunicate, and secluded from the fellowship of the church until he should repent and amend his ways. The pontiff, however, as if suspecting the venal character of his emissaries, reserved to himself the power to rescind or confirm the sentence.[j]

Lothar II. marries and crowns Waldrada.

Papal commission of inquiry;

The commissioners met at Metz in Lorraine. Matters were, it seems, so contrived that the four bishops who sat with them should be suffragans of the archbishops of Cologne and Treves, who had been all along the agents and managers for Lothar in the matter of the divorce. It was whispered at the time that the papal legates Rodoald and John had been bribed by the king: it is, however, certain that things were allowed to take the course he desired; the legates simply stipulating that the latter should send the two archbishops in person to Rome, to explain the transaction to the pope and procure his confirmation of the sentence.[k]

eluded by Lothar.

[i] Epp. *Nicol. I.* epp. ii. and iii., ap. *D. Bouq.* tom. vii. p. 386.

[j] Ep. *Nicol. I.* ad Episcopos Galliæ et Germaniæ, ep. vii., ap. *D. Bouq.* tom. vii. p. 389.

[k] *Annal. Bertin. Hincm.* ad ann. 863, ap. *Pertz*, i. p. 460; Ep. *Nicol. I.*, ap. *D. Bouq.* tom. vii. p. 385.

The two prelates accordingly arrived in Rome, nothing doubting but that their cause was won. But the pope, who by this time was in possession of information,—derived no doubt from the highly-coloured statements of the French court and clergy, emanating probably from the pen of the indefatigable primate,—suddenly convoked a full synod of Italian prelates at the Lateran. By them Lothar was summarily convicted of the crimes of uncleanness and adultery; the two archbishops were condemned as accomplices of his guilt; and the documents upon which the decision of the commissioners had been founded were declared to be, from first to last, a mere tissue of forgery and falsehood. The delinquent prelates were solemnly deposed and excommunicated; and the papal sentence, together with a copy of the proceedings of the council, were sent to all the bishops of Germany, with a peremptory mandate that "all and each of them, *duly observing the rule and order of the canons* and decretal statutes of the holy see, should without delay strike out and erase from the list of the priesthood of their churches the men whose names the pope had so struck out and erased."[1]

Synod at Rome, and condemnation of the two archbishops.

Whether Pope Nicolas admitted a distinction between the properly canonical rule and the decretal sanctions, may be doubtful; but it is more probable that in his mind the authority of the latter would far overbalance any consideration suggested by the former. The wide range of ecclesiastical history, however, affords scarcely another instance of so daring a violation of the "order of the canons" as this proceeding against the two archbishops. The more surprising incident of the whole transaction, perhaps, is that Hincmar of Rheims, the champion of the metropolitan prerogative, should have stood by and passively witnessed the practical assertion against strangers of a principle which he was at that moment engaged in resisting with all his might when applied to himself and

Uncanonical character of the proceeding.

[1] "Unde vestra fraternitas *canonum norma* custodiens, et *decretorum sanctiones* observans, ne hos quos nos abjecimus recipere in catalogo sacerdotum præsumat." *Ann. Fuldens.*, ap. *Pertz*, i. p. 375; *Annal. Bertin. Hincm.*, ibid. p. 460.

his church. It is indeed wonderful that, either for the gratification of personal animosity or in furtherance of the political rivalry of his court, he, who had hitherto so gallantly fought the battles of his order—who had so successfully appealed to that very "order of the canons" now set at naught by the pontiff—should have witnessed without a word of comment or disapprobation[m] this audacious violation of all canon law, in the summary condemnation and deposition of two metropolitan bishops, out of their own provinces, by a foreign tribunal, without canonical accuser or opportunity for defence, without legal witnesses or competent evidence, and upon the mere testimony of absent informers and common report.

Denunciations of Nicolas I.

Pope Nicolas, however, felt no difficulty when he foresaw no effectual opposition. He treated the two archbishops as self-convicted accomplices of an enormous crime; and consigned the report of his own commissioners and their colleagues to the "pit of hell," never more to be named among men but with horror and disgust; and taking a wider sweep, he denounced eternal damnation "against all and every one who should commit the like contempt of the ordinances, mandates, interdicts, sanctions, and decrees of the apostolic see, for and on behalf of the faith, the correction of believers, the reformation of evil-doers, the amendment of existing mischiefs, and the prevention of a repetition of the like for the future."[n] Full pardon, however, was vouchsafed to all who, by a plenary renunciation of their former pretensions, should testify their return to the true fold, "the see of Peter, the source of all episcopal authority," and should without delay signify the same by their deputies in writing.[o]

Protest and remonstrance of the two archbishops.

The condemned prelates met their sentence by an angry and intemperate protest. "We came to you," they said, "as the bearers of a message from your own commissioners, not as the authors of the report we laid before you; and

[m] See his report of the proceedings against Gunthar and Teutgaud in his continuation of the Bertinian Annals, ap. *Pertz*, ubi sup.

[n] See the decree, ap. *Pertz*, i. p. 462.

[o] *Hincm. Ann. Bertin.* ann. 863, ap. *Pertz*, l. m. c.

we expressly stated our willingness to receive your paternal advice and correction, should you have any fault to find with the proceedings. How, then, did you meet these fraternal advances on our part? As if to lull us into a false security, you lightly hinted to us that, 'judging by the facts stated, we appeared to be blameless;' and thereupon held us for the space of three whole weeks at arm's-length, without reply or intimation of the course you intended to pursue. For what cause, then, were we, whom you had thus deceived, suddenly summoned before you? Why were we—as if enticed into a nest of robbers—dragged in among a promiscuous mob of laity and clergy, and then, with doors closed behind us, cut off from friends and advisers, borne down by vociferation and violence, without synod or canonical trial, without either indictment or legal prosecutor, without witness or opportunity of defence, right of speech or means of adducing testimony in exculpation; without any admission of guilt on our part; in the absence of our peers, the archbishops and bishops of our respective provinces, and their essential concurrence and assent,—of your own arbitrary and tyrannical will excommunicated, condemned, and deposed? We therefore repudiate your lawless decree; and in our own name, and that of our brethren the bishops and clergy of the provinces subject to us, *utterly renounce, despise, and set at naught your sentence*, as irrational, nefarious, and uncanonical. *We renounce our communion with you*, as the associate and accomplice of the scorner; and shall hereafter content ourselves with the fraternal communion and friendship of those brethren over whom you have proudly and presumptuously usurped jurisdiction, and thereby cut yourself off from their obedience. In the levity and temerity of your heart you have pronounced your own condemnation: 'Let him,' say you, 'that keepeth not the apostolical precepts be anathema;' as if you knew not that in that which you have done you have ruthlessly trodden under foot every one of those laws and precepts. But we yield not to the swellings of your pride; we are not the dupes of your duplicity; we give way not one inch to your arrogance, nor are inti-

midated by your intrigues to deliver us up to the enemy whom you befriend.[p] Nay, but we will convince you that we are not your clerks, but *your brethren and equals in the episcopacy*. And this answer we make, not in our own name only, but also in that of our brethren; being thereunto moved, not by the insults you have inflicted on us personally, but solely by our zeal for the privileges of the churches which you have violated in our persons."[q]

Violent conduct of the remonstrants.

If the cause of the king could have stood the test of inquiry, or the character of the protesting prelates had been uncontaminated by the suspicion of criminal compliance with his immoral desires, the contest might have had a different issue. But the mere exposure of the illegality of the pope's proceeding, however clear and convincing, was powerless to encounter the general sense of the wrong it was intended to redress. The line of defence taken was right; but the tone and manner were calculated to shock the prejudices of the majority. Pope Nicolas refused to receive the remonstrance when officially tendered to him; and the measures resorted to by the remonstrants to bring its contents under the public eye only tended to throw deeper disgrace upon their cause. On his departure from Rome, Gunthar had left his brother Hilduin behind him, with instructions to leave no stone unturned to bring the protest under the public notice of the pope. But every attempt to that effect was defeated by the circumspection of the court; and as a last expedient, Hilduin with a few armed followers entered the church of St. Peter, and attached a copy to the sacred body of the apostle, leaving in the execution of the sacrilegious project one of the guardians of the sanctuary dead upon the spot.

Errors of the remonstrants.

After all, perhaps the most fatal error lay in the rash renunciation of the papal communion, and the schismatic spirit which—whether with or without just cause—pervaded the protest. The arch-

[p] The enemy alluded to is Charles the Bald of France, who was justly suspected of a desire to profit by this or any other domestic disturbance for the promotion of his designs against the kingdom of his brother.

[q] See the original in *Hincmar's* continuation of the Bertinian Annals, ap. *Pertz*, i. p. 463.

bishops had, indeed, forwarded a transcript of their remonstrance to the bishops of Lorraine; they had exhorted them to stand fast by their king and the liberties of their churches, and to make friends of all who might be useful to them in the pending contest for their rights. But no more effectual measures had been taken for a successful struggle in the gigantic enterprise of erecting their churches into a separate communion, severed from that of Latin Christendom. This inept manifestation of a schismatic intent was a severe shock to the strongest prejudices of all true churchmen; and this probably it was which irritated and alienated Archbishop Hincmar from their cause. He was besides preoccupied, like many of his contemporaries, by a strong sense of the turpitude of the offences which had provoked the papal censures; and with these impressions, he pronounced the protest to be "diabolical," and altogether blinked many features in the late transaction at Rome to which he was keenly alive when they appeared in his personal controversies with the holy see.

Louis II. in the cause of the two archbishops.

After their retirement from Rome, the two archbishops resorted to the court of the Emperor Louis II. Struck probably by the arbitrary complexion of the whole affair, Louis promptly appeared before Rome, to compel the pontiff to repair the injustice done to the persecuted prelates. Apprised of the intended visitation, Nicolas ordered a general fast, and appointed litanies to be sung to entreat Almighty God, through the blessed apostles, to humble the heart of Louis, and incline him to dutiful obedience to the divine commands and the decrees of the holy see. Following the precedent of Sergius II. on a like occasion,[r] the clergy and people of Rome, accompanied by choirs of singers, went forth to meet and to welcome the emperor to the holy city. The imperial soldiers rudely repelled the more forward of the crowd; and a scuffle ensued, in which a precious crucifix, said to have enclosed a fragment of the true cross, was thrown down and trodden under foot. In real or affected alarm, Pope Nicolas

[r] Book VII. c. i. p. 235.

shut himself up in the sanctuary of St. Peter, and remained there in prayer and without food two days and nights. Meanwhile the man who had desecrated the sacred toy was reported to have died suddenly; and about the same time the emperor himself fell dangerously ill of the fever of the country. In the depression of disease, doubts suggested themselves of the lawfulness of the enterprise in which he was engaged. He sent his queen from his bedside to request an interview with the pontiff. Nicolas complied with the request, and speedily won his cause. He returned exulting to his palace in the Lateran; and the two archbishops were dismissed in disgrace from his quarters.[s]

Repentance of Louis II.

The sequel to this affair is of a commonplace character. The strongest testimony against Lothar of Lorraine is the absence of all sympathy for his cause among his own subjects. Notwithstanding the interdiction of the pope, Gunthar and Teutgaud were permitted to resume their functions. The latter, however, perceiving no probability of efficient support either from the court or his own suffragans, determined to lose no time in making his peace with Rome. Accordingly he retracted his protest, confessed his guilt, and sued humbly for pardon. The bishops of Lorraine fell away, one by one, from their metropolitans; and Gunthar was left single-handed to wage the unequal war he had so imprudently provoked. One only course remained, to avoid the ruin which stared him in the face. After carrying away with him the treasure of his church, he hastily set forward on a second journey to Rome, in the hope of earning his pardon by a skilful combination of bribery with an ostentatious show of repentance. But it soon appeared that the emissaries of the contrite bishops of Lorraine had not failed to load their share of the common transgression upon the shoulders of the condemned metropolitans. The apologies of Gunthar and Teutgaud were dismissed with contempt, and the original sentence was confirmed by the judgment of a full synod in the November of the year 864.

Ineffectual retractation of the two archbishops.

[s] *Hincm.* Annal. Bertin. ann 864, ap. *Pertz*, tom. i. pp. 464, 465.

Decline of social morals;

The state of the public mind at this particular period was favourable to that moral censorship which promised so rich a harvest of political power and influence to the holy see. As we approach the tenth century, we observe a growing dissoluteness of manners, more especially at the courts of princes and among the great feudal aristocracy; we are made aware of an ever-increasing contempt for the restraints of law, religion, and morality, infecting almost all classes of society, which could not fail to engender a strong desire for some remedy against the intolerable evils under which all were suffering. Yet there are manifest signs that at this very time the public conscience was labouring under a sense of acknowledged though unrepented guilt, which inclined men to look for relief—however imaginary and unreal—from any quarter that might undertake to administer it. The papacy found itself placed in that position, and was enabled to make its own terms with the sinners. Great offenders and their victims were alike disposed to recur to the judgment-seat of Rome for impunity or redress, as the chances might turn up. So, in the year 863, Ingeltrudis, wife of Earl Boso of Provence, eloped from her husband, and lived in shameless adultery with one of his own vassals. Boso carried his complaint before Pope Nicolas, and the lady and her paramour were excommunicated; but with liberty to appear before the pontiff in person, and to reverse the sentence upon such terms as he should dictate. The delinquents, however, despised the monition, and evaded the penalty; nor would the transaction have attracted our notice at all, but as a proof of the facility with which the court of Rome was enabled[t] to supersede the jurisdiction of the canonical tribunal to which the cause properly belonged. Hincmar, and other writers of the time, in fact, appear to have discovered no peculiarity in the case but the greatness of the scandal it occasioned.[u]

the remedy.

Appeal of Boso of Provence.

A less obvious anomaly, resulting from pontifical in-

[t] By the mere act of the parties.

[u] *Hincm.* Annal. ann. 863, ap. *Pertz*, i. p. 461; *Reginon*, Chron. ann. 866, ibid. p. 573.

terference with the ordinary course of ecclesiastical administration, is observable in the case of Judith, or Juta, widow of the Anglo-Saxon king Ethelbald of Wessex. The young princess had eloped from the court of her father, Charles the Bald, with Baldwin earl of Flanders. For what reason the king objected to a marriage does not appear; he, however, procured an ecclesiastical inhibition against the runaways. The latter appealed to Pope Nicolas against a decision which disabled them from purging their sin in lawful wedlock. The pontiff adopted their cause, and wrote to the king, reprobating the offence of cohabitation without the sanction of the church. "But," said he, "though your daughter be not a wife, she may lawfully become such. In this case, however, *I refrain from command*, and simply beseech you to throw no further obstacle in the way of their union."[v] Neither pope nor king appear to have regarded the domestic decree of inhibition as worth consideration. Nicolas desired it to be understood that it was reversible at his pleasure, but that, in the case before him, it might be best to remit the task to the king; a looseness of practice which we reckon among the advantages of the power which possessed the moral energy, by any means, to hold together so rotten a scheme of religious polity.

Appeal of Judith (Countess of Flanders).

The state of public affairs, political and ecclesiastical, under the miserable descendants of Charlemagne had, in fact, fallen into such complication and confusion as to leave no discernible limits, nor any definite order of administration in either. The juncture was therefore favourable to the papal interference with both. The anathema against Waldrada the adulteress was still unexecuted; Ingeltrudis, the runaway wife of Boso, was still residing with the adulterer in the kingdom of Lothar; certain lands, alleged by the pope to have been granted by Louis the Pious to the holy see, and now in lay hands, together with other districts lying within the Bavarian region of Germany, were to be recovered; Rothald, the refractory bishop of Soissons, was

Mission of Arsenius.

[v] Ep. *Nicol. I.* ad Car. Calv.. ap. *D. Bouq.* tom. vii. p. 392.

to be restored to his see. For all these various affairs the pontiff selected Arsenius bishop of Orta as his legate and executor, with strict injunctions to vindicate without respect of persons the whole authority of the apostolic see. The mode of management observed is worth attention. In the state of government and public affairs just adverted to there could be no appointed channel of communication between the pontiff of Rome and the princes and people of Christendom; and, indeed, the existence of any definite rule of intercourse—such as that which now exists between independent states—was inconsistent with the character of universal spiritual parent assumed by the successors of St. Peter. Like his predecessors, therefore, Pope Nicolas I. addressed himself to great and small—princes, prelates, nobles, people—as a father would speak to his children, or as a master to his dependents, as the case might be. He dealt personally with the friends or the enemies of kings or of governments, with private persons as with public functionaries. In this way, the legate Arsenius was provided with several letters to the kings of France, Lorraine, and Germany, as well as to the prelates and nobility of those realms, declaiming vociferously against their indifference or dishonesty in the affair of Lothar and Waldrada. "You know," wrote the pontiff, "how often we have written to you upon that flagitious matter; you have seen our letters, you have witnessed the exemplary punishment of the king's accomplices, the late archbishops of Cologne and Treves: yet have you not reported a syllable to us as to what you have done to bring him to his senses; probably because you have nothing creditable to yourselves, or advantageous to the cause in which you are all so deeply concerned, to report to us." He exhorted the prelates, therefore, to cast off their criminal indolence; to resume the ministry imposed upon them; *to expel from their bosoms all carnal and servile affections,* and vigorously to reassert their episcopal liberty; to do their duty as watchmen and pastors of the Lord's fold: and to that end, in season and out of season, to ob-

Papal mode of intercourse.

Proud mandate of Nicolas I. to the prelates, &c.

trude themselves upon the king, and exhort him, upon pain of the last irrevocable sentence of the church, to cast from him that adulterous woman Waldrada; to keep his conscience in continual fear of the suspended sword of divine vengeance; to cry out without ceasing against the sin wherewith he had sinned and caused Israel to sin —that if perchance he should die in his sins his blood might be upon his own head, and they might liberate their own souls.[w]

Lothar II. takes back his repudiated wife.

Though the primate of Rheims—who, it may be observed, was not at this moment upon the best terms with Rome—thought fit to take offence at the harsh and imperious tone of these letters, yet neither Charles of France nor Louis of Germany showed any inclination to quarrel with the pope, or to support Lothar in his contumacy. Thus forsaken by friends, vassals, and clergy, the latter submitted to the papal decree. Tietberga had since her flight resided at the court of Charles the Bald; the legate received her from his hand, and presented her to her husband. Lothar received her with apparent courtesy; and in the presence of the legate and of a numerous meeting of archbishops and bishops, the king, with twelve conjurators, took a solemn oath upon a reliquary containing a fragment of the true cross, with a choice assortment of approved relics, that he would to the end of his days live with, cherish, and in all respects honour her as his only lawful wife. The queen was then formally handed over to her husband by the legate, with a public admonition to observe the oath he had taken, and an insulting denunciation of vengeance, not in this life only, but before the terrible tribunal of God and the blessed Peter prince of the apostles—to be by them consigned to unquenchable fire if he failed scrupulously to observe the oath he had just taken.[x]

Robbery of the legate.

Hitherto the career of Arsenius was as successful as could be expected. Lothar was by his intervention reconciled to his uncle Charles of France,

[w] *Baron.* ann. 865, § 54, p. 36.

[x] The functions of God and St. Peter are neatly confounded in this monition.

and the two princes saluted each other at a friendly congress at Attigny in the Ardennes. Here—as appears by the account of Archbishop Hincmar—the legate produced a brief from the pope filled with the direst maledictions, "and such as had never before proceeded from the modesty of the holy see," against certain anonymous persons who some years before had stolen a large sum of money from the same Arsenius; and these curses were to take effect unless the stolen property were promptly restored. The brief was ostentatiously read in public, and as publicly presented to the king; an act which was likely enough to strike the bystanders, as intimating a suspicion that he knew more about the robbery than it was convenient to avow. There is nothing in the account of this incident which should lead us to believe that the money purloined was other than the private property of the legate; but the distinction between the belongings of the church and of churchmen was almost evanescent. The sacredness of the persons was held to attach to every thing that belonged to them, and thus the pope and his legate might justify the prostitution of the spiritual power to the redress of a merely private and personal wrong. Whether the lost money was ever recovered, we are not informed; nor is it likely that it was, in an age in which avarice and rapacity were even stronger than superstition.

Waldrada and Ingeltrudis escape from the custody of the legate.

After extorting from Charles the Bald the restitution of the lands claimed by the pope, Arsenius returned into Lorraine, and solemnly crowned Lothar and Tietberga. Waldrada was condemned to conventual seclusion in Italy for the rest of her days, and delivered into the hands of the legate to be conveyed to her future abode. But on her journey she contrived to bribe or fascinate her gaoler, and was set at liberty by him with a simple injunction to proceed directly to Rome and report herself to his holiness. It is singular, that about the same time Ingeltrudis, the runaway wife of Boso, had presented herself to the legate in a penitential guise, and taken an exceedingly solemn oath to proceed in company with him to Rome, and there

submit to such penance as the pope should award. The fickle lady, who it seems was subjected to no personal restraint, soon changed her mind, and giving the legate the slip, returned to France. Nothing remained but to republish the anathema, the value of which she had pretty well ascertained, and to proceed on his journey. Waldrada, meanwhile, kept no better faith with her warden than her sister in iniquity. After proceeding in his company as far as Pavia, she suddenly retraced her steps, and secretly rejoined her lover in Lorraine.[y]

Cruelty of Lothar II., and divorce-suit of Tietberga.

A very reasonable suspicion was entertained by the pontiff and the friends of the queen that the evasion of the adulteress would be the signal for a renewal of the intrigues for a divorce, and for the legalisation of the prior marriage. Be this as it may, it is certain that very soon afterwards the queen again fled from the court of Lothar, and again resorted to that of Charles the Bald, between whom and his nephew the reconciliation had been as hollow as the simulated contrition of Waldrada and Ingeltrudis. In justification of the step she had taken, Tietberga alleged a series of cruelties and insults of unheard-of enormity, perpetrated by her husband, as she declared, for the purpose of disgusting her with her position at his court, and inspiring alarm for her personal safety. Prior to her flight she had informed the pope that these indignities had determined her no longer to resist the divorce. She confessed to him her knowledge of a precontract between her husband and Waldrada, she avowed her own sterility, and on these grounds craved the dissolution of her marriage and permission to spend the remainder of her life in religious retirement. Nicolas, however, had succeeded in casting aside "all those carnal and servile affections" which he reprobated in the instruments of his policy. He repudiated the petition of the persecuted woman; he treated her allegations as pure fabrications, adopted with a view to the gratification of her own selfish wishes, perhaps even suggested by his ene-

Repelled by Nicolas I.

[y] *Regin.* Chron. ann. 866, ap. *Pertz*, i. pp. 573, 574; *Annal. Fuld.* ann. 867, ibid. p. 380.

mies. He therefore feelingly exhorted her rather to encounter martyrdom in the cause of truth and innocence than to slay her own soul with a lie; and he concluded by forbidding her to desert her husband upon any pretence, lest he should thereby be left at liberty to continue his profligate intercourse with the adulteress.

He prohibits the revival of the divorce-suit.

The hard but straightforward policy of Nicolas I. throughout his transactions with the French and German courts had been met in a spirit of passive resistance, deceit, and falsehood, which threatened in the end to reduce the papal menaces to a mere *brutum fulmen*. He learnt now that upon the admissions of the queen it was intended to revive the divorce-suit, and that Charles the Bald was disposed to support his nephew in his attempt to get rid of his wife. He more than suspected the bishops of France and Lorraine—among whom he was surprised to learn the condemned archbishops were still permitted to hold rank and estate—of a criminal intent to support the project of the princes. He therefore hastened, in the most public and emphatic manner, to condemn the design and rebuke the authors. He pronounced that the queen, *having once referred her cause to the holy see, could never afterwards be made amenable to any other tribunal.* The sentence, he said, had gone forth from the chair of Peter; it had been adjudged that Tietberga was the only lawful wife of King Lothar; nor could the condemned and excommunicated harlot Waldrada under any circumstances—not even after the demise of the queen—ever become his wedded wife.[z] The bishops and the court were alarmed by an intimation that unless Lothar should, before the feast of the Purification then next ensuing, finally cast off his concubine, the pope would no longer hold back the dreaded sentence of anathema.[a] Their knowledge of the aversion of the pontiffs from personal contact with the princes they had to deal with suggested the means of warding off the blow. At their

[z] *Baron.* ann. 867, §§ 115 and 117; and see *Fleury*, tom. xi. p. 157.

[a] See the letter of Adventitius bishop of Metz, one of the king's friends, ap. *Baron.* ann. 867, §§ 118, 119, p. 123.

suggestion Lothar wrote a humble letter to the pope, intimating his earnest desire to visit Rome, and to behold the face of the "man of God who sat in the chair of the apostles." For that purpose, he said, he had sent forward bishops and persons of the highest dignity in his realm to apprise the pontiff of his design, and to assure him of his sincere intention to profit by, and to give all due obedience to, his holy counsels. He requested Nicolas at the same time to inform his brother the Emperor Louis of his approach; and to assure him that he and his lieges were ready, at their utmost peril, to afford him every needful support against his heathen enemies.[b]

Lothar II. threatens the pope with a visit.

No news could have been more alarming to the pope than that of the intended visit. His own declining health left him little strength to contend against an enemy such as the king of Lorraine at his own gates. There was, indeed, nothing in the character of the man to encourage a belief that when in possession of Rome, with his rude warriors at his back, he would be found a more tractable son of the church than in his palace at Aix-la-Chapelle, immersed in voluptuousness, surrounded by a time-serving and timid clergy, and embarrassed by the intrigues of his greedy and faithless relatives on either hand. Nicolas condescended, in this emergency, to lower his tone, and earnestly besought the kings of France and Germany to interfere personally to induce Lothar by gentle methods to yield obedience to the papal behests. A meeting was consequently arranged between the two uncles and their nephew. Lothar there promised all that was required of him; adding that, as he was then upon the point of setting forward on his march to Rome, he would have ample opportunity of explaining his conduct in person, and that he entertained no doubt of his ability to afford ample satisfaction to the pope. When apprised of this reply, the wrath of Nicolas burst through all restraints; he treated Lothar as a shuffling scoundrel, whose only object was to over-

Nicolas deprecates the proposed visit.

Angry inhibition.

[b] *Baron.* ann. 867, §§ 121-124, p. 124.

reach the holy see by empty promises, while persisting in the open commission of the very crime he had sworn to renounce. He therefore utterly prohibited the intended visit; and exhorted the kings, Louis and Charles, *by every means in their power* to prevent its accomplishment.[c] Though professing that he regarded the recreant Lothar as already under sentence of excommunication, he still held back the official notification; nor did it ever pass his seal. The king made no change in his mode of life; he went on sinning with impunity, unrebuked by his bishops, and supported in his contumacy by the vassals of his kingdom; among whom he does not appear to have been so unpopular as his enemies would lead us to believe.

Appeal of the Empress Hildetrudis.

Shortly before the death of Pope Nicolas I., in the year 867, Lothar II. had ejected the dowager-empress Hildetrudis, the widow of his father, from her jointure-lands; or rather, perhaps, he had settled upon them a colony of Northmen, engaged to protect his northern or Belgic frontier against the inroads of their predatory countrymen. No means of redress against this injury presented themselves, and Hildetrudis laid her complaint before the pope. Nicolas eagerly embraced her cause, though involving a purely civil injury; and wrote forthwith on her behalf to the kings of France and Germany, alleging that as to Lothar, the wrong-doer, he was totally unworthy of the correspondence of the holy see. Whether he took upon himself the character of mediator merely, or that of judge in the cause, is not very clear. At all events, the appeal of the widowed empress abated at his death. Considering,

Papal interposition in secular affairs.

however, the entire series of transactions presented by the pontificate of Nicolas I., our impression is that he entertained the cause as the supreme censor of public morals; or as the divinely deputed protector of the oppressed against the oppressor. Where the virtues necessary to cenient the bonds of civil society are wanting, men will take shelter from the suf-

[c] *Baron.* ann. 867, §§ 125, 126; Epp. *Nicol. I.* nos. 55 and 56, ap. *D. Bouq.* loc. cit.

ferings to which such a state of things condemns them under the wing of any power, or powerful person, endowed with the present capacity to grant relief, or, at least, to change the current of public calamity; the remedy is then often found in the energetic will, the lawless activity, of an individual: but when—as in the age we are now contemplating—the evil proceeds from the worst of all social conditions, moral dissoluteness engrafted upon ignorance and barbarism, the conscience of the subject, his religion, his superstitions, his prejudices, be they ever so coarse and vulgar, are the only resort to which any appeal can be addressed to effect a change in his outward condition. The power, therefore, which governs or directs the public conscience becomes, in some sense, the natural judge of political conduct. That power steps in in the character of vindicator of the laws of God and man. The subject gives himself no account of his reasons for resorting to this extraordinary tribunal; he does so simply because he sees no other help at hand; and he helps himself on with it until the remedy becomes more intolerable than the disease. The great Latin patriarch stood in just such a position. The all-powerful instruments of religion and superstition lay at his command; and the "terrors of the Lord," in their coarsest and most unspiritual delineation, became the natural weapons of warfare against a coarse and vulgar generation of sinners.

State of the public mind on papal interposition.

It happens sometimes that when such an appeal has gone forth, the most self-reliant, and some even among the best and wisest of the age, are disposed to recognise in it the call of God, and to gather from it a degree of confidence in their own vocation which tolerates neither check nor limitation from human hand. We discover in almost every line of the writings of the great hierarchs of the age—Nicolas I., Hadrian II., John VIII., Hincmar of Rheims, Agobard of Lyons, Hilduin of St. Denis, Wala of Corvey, Paschasius, and others—an intimate and thoroughly conscientious conviction that the church and her supreme head were the moral judges of a

reprobate world and the princes thereof. The transition from such a persuasion to a claim of power to compel obedience to the precepts of that tribunal by any means at hand was both natural and easy. The rule adopted in a more advanced stage of civilisation,—that, namely, the church should stand beside the state as its ensample and monitor, leaving the executive duty, as it affects the subject, wholly in the hands of the latter,—would have no place in the uncultivated brain of the ninth and tenth centuries, nor for many subsequent ages. The natural right of interference for the correction of gross moral, political, or religious depravity, having once laid a firm hold upon public opinion, it lay far beyond the discernment of the times to put in any formal protest against the right in particular cases to resort to such outward or physical means as might be available for the purpose. Thus, in considering the divorce cause of Lothar II., it may be observed that all the parties belonged to the laity; that the cause itself could be regarded as ecclesiastical only as it involved a question of morals and public example; that by their reference to the pope, those parties admitted their responsibility to the spiritual judge; and that the only point behind was the power and the right to compel submission to the sentence by physical force. Though spiritual censures were still the only *ostensible* means in the hands of church or pontiff for the execution of the sentence, yet it could hardly be denied that he might rightfully demand that the decree should be promptly followed by such temporal penalties as should leave no alternative but submission. Neither pope nor hierarch of that age had any clear idea of a difference between the outward means and machinery of religious government and those necessary for political or administrative purposes. The pontiff of Rome claimed the use of those means and instruments not so much as a matter of expediency or necessity as simply "ex debito justitiæ;" and this as effectually as if in that respect, and for that special purpose, the sceptre of the world's government were delivered into his hand, and the kings of the world were

How the popes availed themselves of that state, &c.

reduced for the occasion to the condition of his ministers and agents.

In the general survey of the important pontificate of Nicolas I. we find it marked—we do not say by the earliest—yet certainly by the most sharply-defined application of this assumed right of moral superintendence. Up to this point of time the meddlings of the see of Rome with the personal delinquencies of princes and men in power had been rare; but from this pontificate they become more familiar, more frequent, and of higher significance. It is clear that Nicolas I. regarded the cases of Lothar and Waldrada, of Ingeltrudis, of Judith, and the widowed Empress Hildegard, as falling within the ordinary cognisance of the holy see, and that he used them as tests *to try the moral and religious title* of kings and governors; and the acknowledgment of that right stood in his mind as the fundamental condition upon which all Christian princes held their sceptres, in such wise that by the denial of the prerogative their title fell to the ground, or reverted into the hand of God and His church as the original grantors. Thus when Bishop Adventitius of Metz, apologising to the pontiff for his compliance in the divorce-suit of Lothar II., quoted the apostolic injunction, "Submit yourselves to every ordinance of man for the Lord's sake," Nicolas made this striking reply: "You suggest to us that you countenance this iniquity upon the strength of the apostolic command to yield obedience to kings and princes, because their power is of God. But, before you obey them, take especial care to be assured that they be indeed *true kings and princes;* that *they know how to govern themselves as well as their subjects;* for unto whom will he be a good governor who is not good unto himself? *Examine, I say again, whether they have a good right to be called princes:* for unless they have, we are bound to regard them as tyrants rather than as kings; and instead of submitting to them, we should resist and oppose them, inasmuch as we cannot submit without encouraging their vices. Submit yourself, therefore, to the king as supreme,—that is, as sur-

Right of moral superintendence.

Who are *true kings and princes.*

passing all others in virtue, not in vice; submit to him as the apostle requires, for the Lord's sake, and not against the Lord."[d]

Papal measure of the obligation of obedience.

It may be proper here to recall to our recollection the Isidorian doctrine; that "an unjust judgment, pronounced through fear of, or by command of the prince, is void; neither shall any ordinance contrary to the evangelical, prophetical, or *apostolical* constitutions, *or to those of their successors*, be entitled to any manner of obedience: and as to what is done by unbelieving and heretical princes, let it be quashed altogether."[e] Nicolas I. defined this proposition more sharply, and extended its operation. "Any one," said he, "*without exception of person*, who shall disobey the doctrine, mandates, interdicts, or decretals, published by the apostolic bishop on behalf of the catholic faith, the discipline of the church, the correction of the faithful, the reformation of evil-doers, and the discouragement of vice, let him be accursed."[f] Obedience to the "apostolical constitutions" is established as the measure of the title of kings and princes to the allegiance of their subjects; the allegiance ceases with the obedience upon which it is made to rest. Further, these "constitutions" consist in the "doctrine, mandates, interdicts, and decretals of the apostolic bishop (and his successors);" and the subject-matter is made to embrace almost all the material functions of civil government.[g] A very slight and, it may be thought, a not very illogical expansion of this theory would suffice to reduce the political governments of the world to simple dependencies of the monarch of the seven hills.[h]

The *tone* assumed by Pope Nicolas I. in his ad-

[d] *Baron.* ann. 863, § 60, p. 599: conf. *Guizot*, Hist. de la Civilis. en France, tom. ii. p. 329.

[e] See the quotation Book VI. c. vii. pp. 191, 192 of this work. An excommunicated prince (Lothar II.) would probably be deemed *in pari delicto*.

[f] See ch. v. of the council of Rome against the two archbishops, ap. *Hincm.* Annal. ad ann. 863, ap. *Pertz*, i. p. 462.

[g] The whole domain of moral legislation at least is brought within the enchanted circle of the Roman censorship.

[h] Every question of government and legislation has its *moral*—very often a religious—aspect. All that would be needful to justify the interference of Rome would be, to declare its immorality, its inconsistency with religion, or with the constitutions of apostles, prophets, evangelists, or their successors the popes.

dresses to the Frankish princes corresponds very closely with this conception of the dependent and limited character of their powers and duties. He treats them commonly as simple executors of the pontifical will. "How," said he to King Charles the Bald, "can you hope that in your hour of need we should cover your person, your kingdom, your laws, and your churches, with the shield of our protection, if you suffer the privileges of the holy see to be assailed or diminished? For *upon that privilege your fathers founded their thrones, and to them they confessed themselves indebted for every increase of dignity*[i] *and every glory of their reigns.*" All these advantages—comprehending in reality the whole status of his imperial and royal correspondents—were, we perceive, to be regarded as the spontaneous bounties of the holy see, springing out of the prerogative of St. Peter's chair. The pontiff took care that the tone of his communications should not derogate from the lofty position of his see as the dispenser of crowns and dignities. The blandest language he assumed in his letters to the Frankish princes is that of a father, indulgent indeed, yet often compelled by a sense of duty to hold up the rod to his wayward children. More frequently his tone rises to the stern dignity of the oracles of God; he personates the Almighty chastising His creatures for their sins, or exercising them in the virtues of humility, forbearance, and patience; he reprobates all inquiry on their part into the propriety or the justice of his inflictions; and proudly maintains that though the reason of his censures may not be apparent, they must always be taken as founded on good and sufficient cause.[j]

Derivative power of kings and princes.

This conception of the illimitable character of the papal prerogative appears in almost every transaction of his pontificate. Pointing particularly to the cause of the two archbishops and the divorce-suit of Lothar II.,—any irregularity

Illimitable character of the papal prerogative.

[i] To wit, the imperial crown.

[j] See particularly Ep. *Nicol. I.*, ap. *D. Bouq.* tom. vii. pp. 391-3; and compare it with the Isidorian decretals, as in Book VI. c. vii. p. 201 of this work, more particularly the Ep. *Zephyrini*, ep. i. p. 731 (of Mansi's Conc.), deprecating inquiry into the motives of pontifical or sacerdotal conduct.

in the proceedings of inferior judicatures sufficed to vitiate the whole process; while from first to last the chair of Peter was to be restricted by no forms that might stand in the way of the pontifical measure of justice. In the former of these two cases no legal or canonical forms at all were observed; in the latter, none that could satisfy the most moderate demands of judicial inquiry. The defence of Lothar was deemed unworthy of the most superficial investigation; there was no trial; and the passionate appeals of the queen, the unsupported allegations of the archbishop of Rheims and the sycophantic bishops of Charles the Bald,—all unauthenticated hearsay,—were regarded as conclusive against the judgments of three successive synods, the last of which was held by the legates of the pope himself especially charged to take cognisance of the cause. The respondent was not heard in exculpation; and the records of the synods which sustained the divorce were no otherwise noticed than in the intemperate language of a reversal, obtained at the instance of the hostile princes and prelacy of Neustrian France.

General judgment on Pope Nicolas I.

Pope Nicolas, however, had perhaps reckoned a good deal on the low reputation of Lothar, and the revolting nature of the crimes imputed to him, to divert attention from the startling extravagances of his own pretensions. So strongly, indeed, have the sympathies of men gone along with him, that estimable historians, in their abhorrence of the baseness of the actors in this singular drama, and their admiration of the stern courage of the pontiff in rebuking sin and defending innocence, have overlooked the reflection that the carnal dissoluteness of the king forms no apology for the spiritual licentiousness of the pope,—for his haughty unjudicial bearing, his passionate language, the absence of the common forms of courtesy, the disuse of the ordinary ceremonial of decency in his addresses to those who had incensed him by opposition or thwarted him by supineness. We may allow that when the atmosphere is stagnant or pestiferous, the storm and the whirlwind are salutary correctives: yet no one would

affirm that there is any inherent beneficence in these dire visitations. One evil may neutralise or correct another without changing the character of either; and it would be a perversion of the moral sense, and an insult to historic truth, to place to the credit of either the balance of good that may remain behind.

CHAPTER V.

HADRIAN II.—JOHN VIII.—DISTRESS OF THE PAPACY.

League between Louis II. and Lothar II.—Negotiation with Pope Hadrian II. on behalf of Lothar II.—Perjury and reconciliation of Lothar—Absolution and death of Lothar II.—Hadrian II. adjudges the succession of Lorraine to the Emperor Louis II.—Charles the Bald seizes the crown of Lorraine—Division of Lorraine—Hincmar justifies his refusal to excommunicate his sovereign—Remonstrance of Hincmar against the papal mandate—Failures of Pope Hadrian II.—John VIII. pope—Death of the Emperor Louis II.—Charles the Bald emperor—Harangue of John VIII. at Pavia—A "donation of Constantine" first whispered—Election of Charles the Bald as king of Italy—Character of the election—Canons of Pavia—Alienations of the rights and prerogatives of the crown—Death of Louis the German, and division of his kingdom—Conspiracy at Rome against the pope—John VIII. invokes the aid of the Emperor Charles—The emperor marches to the rescue of the pope—Death of Charles the Bald; its consequences—Desperate position of John VIII.—John VIII. in France—He convokes a synod at Troyes—Transactions of the synod—The bishops ignore the papal interests—Forlorn position of Pope John VIII.—Boso king of Cisjurane Burgundy—Charles the Fat elected king of Italy—Charles the Fat emperor—Activity of John VIII.—Death and character of John VIII.—Anticipation of the future.

At the moment of the accession of Pope Hadrian II. (A.D. 867) the Emperor Louis was engaged in making head against the Saracens of Sicily, who had established themselves in the strong cities of Bari and Tarentum, whence they threatened imminent peril to the pontifical states. Meanwhile Louis and his brother Lothar of Lorraine had been driven into a close alliance for their mutual defence against the intrigues and encroachments of their rapacious uncles, Charles of France and Louis the German. Lothar was childless, and both princes were anxious to secure the succession to themselves. The emperor, on the other hand, claimed the kingdom of Lorraine in right of the imperial crown; and as he was equally without a male heir, he had granted the survivorship of his Italian do-

League between Louis II. and Lothar II.

minions to his brother Lothar. With a view to the security of the treaty, it became of the utmost importance to effect a reconciliation between the latter prince and the holy see. With that view, the Emperor Louis earnestly seconded the petition of Lothar to Pope Hadrian to be permitted to visit Rome, in order that he might, by a personal explanation, efface the unfavourable impressions created by the misunderstanding between himself and the late pontiff.[a]

Negotiation with the pope on behalf of Lothar.

Trembling for the safety of Rome and southern Italy, Hadrian saw no mode of escaping from the disagreeable alternative. He reluctantly acceded to the request of his only remaining protector, and promised to accept reasonable satisfaction for the offences of Lothar. In his anxiety to combine the forces of the Frankish princes against the Saracens, he went the length of absolving the adulteress Waldrada upon condition of her repentance and abstinence from all commerce with her paramour;[b] and wrote to the kings of France and Germany, commanding them to abstain from molesting the territories of Lorraine during the absence of the king on his pilgrimage to Rome, upon pain of the extremest censures of the church.[c] But he persisted in regarding Lothar as under excommunication;[d] the best terms that could be obtained by the united entreaties of the injured Queen Tietberga, the Emperor Louis, and his consort Ingelberga, were that the king should be permitted to purge himself upon his oath, in the presence of the pontiff and the assembled church, of the crime of cohabitation with his concubine after the sentence of Pope Nicolas I. had been brought to his knowledge.[e] Lothar, to whom a perjury more or less was of small account, agreed to the condition, and in the spring of the year 869 appeared before the pope at Monte Casino. Hadrian II. received him courteously; he led him

[a] *Regin.* Chron., ap. *Pertz*, i. p. 579.

[b] Epp. *Had. II.* nos. iii. and iv., ap. *D. Bouq.* tom. vii. pp. 441, 442.

[c] *Ibid.* no. v., ibid. p. 443; *Hincm.* Chr. ann. 868, ap. *Pertz*, i. p. 447.

[d] We find no proof that Nicolas I. had ever notified the anathema, though he considered Lothar to have incurred the sentence.

[e] The escape of Waldrada, and her return to Lorraine, had been regarded by both pontiffs as full proof of renewed intercourse.

Perjury and reconciliation of Lothar.

by the hand to the great church of the convent, where, in reply to the solemn interrogation of the pontiff, he declared that "he had in all things fulfilled the injunctions of Pope Nicolas, as the commands of God himself." This declaration the king, together with a select body of attendants as his "conjuratores," affirmed upon their respective oaths. No accuser or objector appearing, the pope addressed the penitent: "If there be truth in the words of your testimony, we do with all our hearts return thanks unto Almighty God for the same. Draw near, therefore, beloved son, while we immolate the most holy sacrifice of the Host, wherein it behoveth you to partake with us, that you may thereby be readmitted into the body of Christ's church, from which you are as yet an alien." After consecration the king was bidden to approach; "and the pontiff,"—such is the report of Regino,—"taking the body and blood of the Lord into his hands, thus addressed him: 'If you are conscious of your innocence of the crime of adultery as prohibited by our lord and predecessor Pope Nicolas, and are truly resolved as long as you shall live never more to pollute yourself with your harlot Waldrada, draw near and receive this sacrament for the remission of your sins: but if your conscience accuse you, and plainly tell you that you are still labouring under the mortal wound of this sin; or if you in your secret soul meditate returning to the sty of your whoredom,—presume not to partake, lest that which was ordained for a remedy be unto you a judgment of condemnation.'" The king having received the sacrament, the pontiff turned to the conjurators, and offered the like communion to each: "If," said he, "you have never aided or countenanced your lord and king Lothar in the crime of adultery laid to his charge, nor assented thereunto, and have not yourself communicated with Waldrada, nor with any one under the ban of the church, may the body and blood of our Lord Jesus Christ avail you unto eternal life."[f]

[f] *Regin.* Chron. ann. 869, ap. *Pertz*, i. p. 580; *Hincm.* Annal. ann. 169, ibid. p. 481.

It is, however, scarcely credible that with the evidence before him, the notoriety of the fact, and the solemn adjudication and sentence thereon, he could conscientiously propose such an oath to such a person as Lothar. We cannot, therefore, acquit him of having made himself the accomplice of a deliberate and wilful perjury. But the need of the pope was greater than his conscience; and when Lothar, so far from testifying regret for the past, insolently pressed his divorce-suit upon Hadrian, the latter even condescended to reopen the inquiry, and sent a fresh commission into France to investigate the truth of allegations adduced for the nullity of the marriage with Tietberga. But the hopes and aspirations of Lothar were suddenly cut short by the rapid progress of a fever caught in southern Italy, which terminated his existence at Piacenza on the 6th of August 869.

Absolution and death of Lothar II.

This unexpected event deranged the plans of Hadrian. A strong temporal protector was now more than ever necessary. Threatened on the one hand by an enemy animated by inveterate hatred of all who bore the name of Christ, and on the other by the licentious insubordination of his own nobles and his feudal neighbours, Pope Hadrian was anxious to strengthen the hands of his friend the Emperor Louis. No time, therefore, was to be lost for securing to him the possession of the kingdom of Lorraine. He declared him the legitimate successor to that kingdom both as heir to his brother and in right of the imperial crown, whereby he acquired a title to the entire dominion of his father as well as to the supreme lordship over all the territory appurtenant to the empire; that title having been solemnly recognised and confirmed by his predecessors the pontiffs of the holy see, and thus rendered indefeasible and sacred.[g] The mandates to that

Hadrian II. adjudges the succession of Lorraine to the Emperor Louis II.

[g] See the letters, ap. *D. Bouq.* tom. vii. pp. 446, 447. The pope apparently adverts to the settlements of the years 806 and 817 (conf. Book VI. c. iv. pp. 112 and 121 of this work), both of which had passed under the sanction and warranty of the holy see. By the latter settlement it was decreed, that if either partitioner should die without issue, his share was to revert *to the emperor*. But since the treaty of 833, and more particularly that of 843, concluded at Verdun (conf. Book VI. c. v. p. 149 of this work), the Franks and Germans had never be-

effect issued by Hadrian to the kings, the nobility, and the clergy of both realms, were enforced by denunciations of anathema against all who should throw any obstacle in the way of the quiet possession of the emperor. But neither Charles the Bald nor Louis of Germany paid any regard to the pontifical commands. The former took the advance of his brother in the race of usurpation; and was accepted by the estates of Lorraine as their sovereign, and publicly crowned and anointed by Archbishop Hincmar of Rheims in the church of St. Stephen at Metz.[h]

Charles the Bald seizes the crown of Lorraine.

The wrath of Hadrian at this disappointment, though expressed in no measured terms,[i] was not considered worthy of particular attention by the French and German princes, their nobility, or their prelates; and in the month of July 870 a treaty of partition was concluded, with the unanimous consent of the estates spiritual and temporal of the three kingdoms, by which the kingdom of Lorraine was divided in two pretty equal parts between the brothers.[j] The pope could hardly bring himself to believe that so contemptuous a treatment of the monitions of the holy see could have been wilful. He vehemently accused Hincmar of having suppressed the papal letters, which had been intrusted to him by the bearers for delivery into the hands of the kings and bishops to whom they were addressed. The primate promptly denied the charge, and took upon himself the justification of his sovereign and brethren. He boldly avowed that they had all along acted with full knowledge of the pontifical commands; but justified their non-compliance upon grounds both of law and present expediency. As to his own position and that of his episcopal brethren, he denied that it belonged to them to decide upon the rights of sovereign princes; and *he questioned their obligation to obey the papal orders to exclude them from the*

Division of Lorraine.

Hincmar justifies his refusal to excommunicate his sovereign.

stowed a thought upon the settlements of Charlemagne or Louis; and certainly these latter treaties neither contained nor contemplated any reservation of superiority on behalf of the imperial crown.

[h] *Hincm.* Annal. ann. 869, ap. *Pertz*, i. p. 485.

[i] See Epp. *Had. II.*, ap. *D. Bouq.* tom. vii. pp. 449, 451.

[j] *Hincm.* Annal. ann. 870, ap. *Pertz*, i. p. 490.

communion of the church for any political delinquency. Such an order, he affirmed, had never before proceeded from the holy see. As to his own share of blame in the matter, he declared his inability to comprehend how he could have deserved the papal threats of excommunication and what not beside for merely declining to obey an impracticable mandate. Personal influence he possessed none that could balance the resolute loyalty of the estates of the three kingdoms, or induce them to adopt the pontifical charges[k] against their king as proved. He could not, he frankly admitted, gainsay the arguments of his colleagues, any more than he could deny the state of facts upon which they reasoned. He had urged upon them the power of the pontiff, as successor of St. Peter, to bind and to loose on earth. "If," they replied, "this be so, do you and your order defend the kingdom against the Normans; but if you feel your inability for the task, we, who humbly accept your prayers for our success, cannot permit you in the mean time to work our ruin. Tell the pontiff, therefore, that *he cannot be at once both universal pope and universal king;* advise him to confine himself to the management of ecclesiastical affairs, which are his, leaving to kings the direction of worldly things, which are theirs; that he desist from his attempts to impose upon us a king, dwelling at a distance from us and incapable of conducting our defence; that he relinquish all thought of making us his servants; for that we will not bear his yoke, nor tolerate him, or any one, who shall assail our liberties."

Remonstrance of Hincmar against the papal mandate.

The primate suggested at the same time the gravest doubt whether the spiritual power could be lawfully exercised for merely political purposes, such as the seating or unseating of kings and princes; he expressed his reluctance to consign persons unconvicted of any crime to Satan and his angels as a proper method of transferring crowns and kingdoms from hand to hand; such a method, at all events, he well knew would not be submitted to by the laity. Under such circumstances, he protested his in-

[k] To wit, perjury, usurpation, tyranny, schism, and even heresy.

ability to renounce the communion of his sovereign in obedience to the pope's command; for that by obeying he would only place himself in the position in which the pontiff desired to place the king. He had, he declared, been already threatened with sequestration for the measure of obedience he had given to the letters and messages of the pope; nor was it possible to avoid intercourse with the sovereign and the estates of the realm but by taking flight from his church he knew not whither, and supporting himself he knew not how. The primate ended by pathetically entreating the pontiff to beware how he imposed commands upon him and his colleagues which could tend only to introduce scandalous divisions in church and state, which must set the royal and sacerdotal authorities at variance, and occasion serious injury to the church and to the cause of religion itself.[l]

Failures of Pope Hadrian II.

Pope Hadrian II. had drawn upon himself this mortifying defeat by a hasty and ill-considered attempt to overbear national law and usage. In a subsequent age, his successors learnt to avoid any violent collisions with the national sovereign rights till well assured of that support which national vice and public calamities were never long in presenting. The pontiff had, in truth, been strangely at fault in the calculation of his own powers. In the case of the outlaw Carlmann, he had in vain lavished the pontifical thunders, and tampered unsuccessfully with the vassals of France to nurse rebellion and treason into favour.[m] The game of ecclesiastical encroachment had prospered no better in his hands. In despite of his utmost exertions, the sympathy between the lay and spiritual estates of the kingdom had remained unbroken; and the affair of the refractory bishop of Laon[n] had shared the like fate with that of the rebel Carlmann and the succession to the crown of Lorraine. The primate of Rheims had made a more dextrous use of his opportunities for arresting the progress of encroachment upon his metropolitan rights. In the defence of those rights he was acute enough in dis-

[l] See the letter, ap. *D. Bouq.* tom. vii. pp. 537-542.

[m] Book VII. c. iii. p. 277 of this work.

[n] Ibid. p. 283.

cerning the limits between the political and the ecclesiastical competency; neither was any man less open to conviction, upon that or any other inconvenient refinement, when called upon to fight the battle of his order against the civil state.[o]

John VIII. pope.

The election of John VIII. in the room of Hadrian II. (A.D. 872) received the sanction of the Emperor Louis II.; and the pontiff-elect duly awaited the imperial license before entering upon his official duties. To within a short time of his death, Louis had been successful against the Saracens of the South; but the treacherous defection of the great vassal-duke Adalgis of Beneventum had robbed him of the fruits of victory.[p] He died childless in the year 875, and the pope was thrown upon the distant support of Charles the Bald. The latter lost no time in claiming, nor the pope in conferring upon him, the vacant crown of empire. After his coronation at Rome, Charles hastened to secure the crown of Italy. As soon as he had set foot upon the soil of Lombardy, a general assembly of the estates of the kingdom, lay and ecclesiastical, had been appointed to meet him at Pavia on his return northwards. Pope John VIII. accompanied his imperial patron, and opened the diet in person by a florid eulogium on the ancestors of the emperor. In a less credulous age the pontifical harangue would have sounded strangely in the ears of his audience. The merit of these great princes consisted, it seems, in *the restoration* to the holy see *of all the cities and estates of which she had been despoiled since the reign of Constantine the Great;* the earliest hint in history of the famous, or infamous, fiction of the "donation of Constantine." The sequel of the pontifical oration is perhaps no less startling. "Moved," said the pope, "by these exemplary services, and by many other manifestations of the divine will, we have, of our *own motion, right,*

Death of the Emperor Louis II.

Charles the Bald emperor.

Harangue of John VIII. at Pavia.

A donation of Constantine whispered.

[o] See the case of Odacer, Book VII. c. iii. p. 294.

[p] *Reg.* Chron., ap. *Pertz*, i. pp. 584, 585; *Hincm.* Chron., ibid. pp. 495, 496.

and authority, elected Charles of France to be emperor; and have, with the concurrence of our brethren and fellow bishops, ministers of the holy Roman church, as also with the consent of the senate and people of Rome, according to ancient form and custom, raised him to the throne of empire; decorating him with the title of 'Augustus,' and anointing him with holy oil, which denoteth the internal unction of the Holy Spirit; thereby making him to be the 'anointed of the Lord,' the prince of his people, in imitation of the only true king, Christ the Son of God; so that the virtue which Christ possessed by nature, the emperor might become endowed with by grace. Not that this pious prince hath of ambition for worldly honour aspired to this high dignity, or presumptuously taken to himself the imperial title, but only as called thereunto by us; *not setting up any claim of his own*, but obeying the call of God through us; and through us consecrated thereunto by Him *for the defence of the servants of Christ*, that the church of God might thereby be exalted in power and glory."[q]

Election of Charles as king of Italy.

The pontiff concluded his address by recommending the emperor Charles Augustus to the estates as their king. The election appears to have passed as a matter of course, and was subscribed by the pope. The important intimation which accompanied the act leaves no doubt in our minds of the light in which the papal court intended the status of a Roman emperor to be regarded. The oblique censure it conveys of the self-coronation of Louis the Pious is not to be overlooked; and when followed by as direct and clear an assertion of *the strictly derivative character* of the imperial dignity as words can convey, we have the fullest assurance that Pope John intended that the combined act of election and coronation should be taken as of his own pure motion, originating wholly and entirely in the Petrine prerogative, and altogether subservient to the purpose for which, and the person from whom, it proceeded.[r] The terms in which

Character of the election.

[q] *Baron.* ann. 876.

[r] This is the view taken by Baronius; and we think his inference correct. The secular aspect is, of course, no part

the estates, spiritual and temporal, assented to the papal proposal, were little more than an adulatory echo of the pontifical address.[s] Afterwards the assembly agreed to twenty regulations or canons, the most important of which conveyed a declaration of the Petrine prerogative It was decreed that the Roman church is the head of all churches; that the pope of that church be honoured and obeyed as the universal pontiff; that his edicts, issued by the apostolical authority, be of universal obligation; that the patrimony of St. Peter, and pontifical estate and possession of every kind, be deemed exempt from all the incidents of secular warfare; and that all strangers or wayfarers visiting or passing through the sacred territory should be liable in triple compensation for any damage they might commit, or in default to incur the last curse of the church. The statute, moreover, secured to the bishops the right of civil and criminal justice within their respective dioceses; their personal property and that of their churches were declared sacred and inviolable: and it was resolved that, with a view to preserve the privileges of their sees, they should be clothed with the dignity of "Missi dominici," conveying to them all the extraordinary jurisdiction and privilege attached to that office.[t]

Canons of Pavia.

These articles involve a transfer of almost all the essential rights of sovereignty to the estates spiritual and temporal, at least in the personal absence of the sovereign from the kingdom. Looking attentively at the terms of the bargain struck at Pavia, and the circumstances which attended or preceded it, little doubt remains that the new emperor had purchased both crowns by a joint and several dealing with the pope on the one hand, and the churchmen and feudatories of Lombardy on the other. All the parties to these transactions were fully alive to the

Alienations of the rights and prerogatives of the crown.

of the cardinal's case. On this point conf. Book VI. c. vi. pp. 109, 117-119, of this work.

[s] It was signed by the archbishop of Milan and thirteen bishops, one duke, and five counts.

[t] The "Missus dominicus," under the Carolingian princes, was an extraordinary officer invested with the most extensive powers of superintendence over the governors, civil and military, of the district to which he was sent. Up to this point of time we do not find that he was regarded as any other than an itinerant officer, therefore not attached to any particular locality. Conf. *Ducange*, Gloss. voc. "Missus" and "Missaticus."

advantages of their position, and disposed to make the best of the opportunity. They knew that Louis the German and his two sons were eagerly watching the turn of events in Italy, with a view to add that magnificent dominion to the wild and inhospitable regions that had fallen to their lot in the division of the inheritance of Charlemagne.[u] Anxious to repair the reverses the papacy had suffered in France through the misfortune or misconduct of Hadrian II., Pope John VIII. reckoned upon the ambitious desire of Charles the Bald for the imperial crown to enable him to quell the independent spirit of the French hierarchy by the establishment of a permanent vicariate in that kingdom, which should enable him to pull the strings of the ecclesiastical machine at his pleasure. The failure of this scheme[v] is to be ascribed as much perhaps to the calamities of the times as to the resistance of the French prelacy. Charles the Bald was for the present well inclined to adhere to his bargain. In the month of February 876 he appointed Earl Boso of Provence, whom he had married to Irmengarda, a daughter of the late Emperor Louis, as viceroy of his new kingdom;[w] and returned into France with the best disposition to justify the papal choice, and to merit the continued support of the holy see for the maintenance of what remained of the royal prerogative after the large sacrifices into which his shortsighted ambition had seduced him. The last scenes in the eventful life of this prince will throw some light upon that diseased social condition to which our attention must be shortly directed.

Death of Louis the German, and division of his kingdom.

King Louis, surnamed the German, had died in August of the year 876, leaving three sons. In the division of the kingdom, the southern and eastern provinces, collectively known by the name of Bavaria, were allotted to Carlmann, the elder of the princes; Charles, afterwards surnamed "the Fat," obtained Swabia, Alsace, and Transjurane Burgundy; and Louis, the youngest, shared Eastern

[u] *Hincm.* Annal. ann. 875, ap. *Pertz*, i. p. 498.

[v] See c. iii. p. 293 of this Book.

[w] *Regino*, Annal. ann. 877, ap. *Pertz*, i. p. 589.

Franconia, Saxony, and a part of Lorraine. The Emperor Charles, upon whom experience and calamity were equally thrown away, made an attempt to repossess himself of that portion of Lorraine he had been reluctantly compelled to relinquish to his brother Louis.[x] In this project he was, as we have seen, signally defeated, and compelled to retrace his steps by an ignominious flight. This transaction bore the same complexion with that which a few years before had so profoundly moved the spirit of Pope Hadrian II. But times had changed; and the voice of rebuke, which might now with equal justice have issued from the chair of Peter, was drowned in the cry of woe which resounded from every quarter of Christendom. In France the Normans ravaged province after province; the king of Bavaria was engaged in a deadly struggle with his Sclavic neighbours; in Italy the Saracens of Bari and Tarentum laid waste the country up to the gates of Rome; and within the city the pope himself was threatened by a formidable conspiracy, in connection, it was believed, with those bitter enemies of the Christian name and faith.

Conspiracy at Rome against the pope.

The existence of a party among the Roman notables equally hostile to the pope and the emperor is, indeed, pretty clearly established. A certain Gregory, described as master of requests, with Stephen the secondary, Sergius the captain of the militia, and Formosus bishop of Portus, were summoned before a papal council as accomplices in a plot, in connection with the Saracens, to put Pope John VIII. to death. The accused parties escaped from the city, as it was believed, with the intention of reinstating themselves by the aid of their pagan allies. The danger was imminent; and the pope claimed the aid of the emperor in a tone of distress which leaves no doubt of the reality of his alarm.[y] "Last year," said the pontiff, "we sowed, but we did not reap; this year we have not sowed, because we had no hope of reaping. Our march-wardens

[x] By the treaty of Aix-la-Chapelle, A.D. 870, p. 332 of this chapter.

[y] *Fleury*, tom. xii. pp. 387-390. Anastasius fails us in this and the three succeeding pontificates.

(*marchiones*) have become the allies of the heathen, and thus what the locusts have left the canker-worm hath eaten: yea, these men are worse than the infidel; they have taken possession of the whole country; they pay us no rents, neither suffer any one to approach the pontifical throne. The Saracen kills with the sword; the Christian robber consumes the food of the people, and kills by famine: the Saracen, it is true, carries away into captivity; but the Christian doth as bad, for he reduces all men to be his servants and slaves."[z]

Pope John VIII. invokes the aid of the Emperor Charles.

For a period of three months the pope continued his urgent solicitations to the emperor to hasten to the rescue of the falling church, "his spiritual mother; of her from whom he derived *the original title to the empire*,[a]—of her from whom alone proceeded his knowledge of the only true God,—of her who so lately had, by her own unsolicited bounty, elected and elevated him to the throne of empire." "And now so furiously," said he, "do our enemies rage together, that not a man, nor a field, nor a beast, nor a yoke of draught cattle, nor any living thing of aught that belongs to the patrimony of St. Peter, hath escaped their ravages. And these evils you have brought upon us by your delays; forgetting how the church loved and cherished you; forgetting that not you yourself, but *we alone, in God's place, crowned you emperor*: . . . for in Rome, as in the head of the natural body, resideth the life of the church; if she suffer, the whole body suffers with her; if she fall, the whole body dies."[b]

The emperor marches to the rescue of the pope.

The delay complained of by the pope arose less from any reluctance on the part of the emperor to move to his relief, than from the necessity of repelling or coming to some terms with the Norman invaders. In the spring of the year 877 Charles crossed the Alps, and met the pontiff at Ver-

[z] Epp. *Johan. VIII.*, ap. *D. Bouq.* tom. vii. pp. 469, 470.

[a] "Exordium imperii." The exordium here denotes the generating principle, introducing the relation of Creator to the thing created.

[b] The correspondence appears to have been going on from the middle of November 876 till the spring of the following year. See the letters, ap. *D. Bouq.* tom. vii. pp. 469-478.

celli, whence they proceeded together to Pavia. At this inauspicious moment Carlmann of Bavaria appeared in the field as claimant of the crown of Italy. A new bargain was on the cards; and the Italian feudatories stood aloof to ascertain with which side the best terms might be made. Carlmann accordingly found a party prepared to support his claim. The emperor was not ignorant of the absence of all loyalty in his Italian vassals, and became so alarmed at the rumoured approach of his rival, that he retreated precipitately to Tortona, at the foot of the Alps, to await there, rather than in a more exposed position, the arrival of the Italian vassals who had engaged to join his standard. But while he was thus keeping out of the path of his rival, the latter, deceived by a report of the advance of the emperor with a superior force, hastily retraced his steps into Germany. At Tortona, however, Charles was attacked by a malignant fever, and was in that state carried across the Mont Cenis in a litter into Savoy, where, in an obscure country village, he soon afterwards expired, in the fifty-fourth year of his age and the thirty-seventh of his disastrous reign.[c]

Death of Charles the Bald; its consequences.

By this event the pope was bereft of his last friend and protector. He managed to purchase a short respite from pillage by a subsidy or tribute of 25,000 marks (*mancusæ*) of silver to the Saracens; his embarrassments were increased by the appearance in the field of two rival candidates for the imperial crown, in the persons of Louis, the son of the late emperor, and his cousin Carlmann, king of Bavarian Germany. These, however, were not the worst crooks in his lot. Sergius duke of Naples was the avowed ally of the Saracens, and had participated largely in the plunder of the duchy of Rome. Adalbert markgrave of Tuscany, and Lambert, the Lombard duke of Spoleto, embraced the party of Carlmann. They marched straightway to Rome;

[c] *Hincm.* Chron. ann. 876, 877, ap. *Pertz*, i. pp. 498-504; *Regin.* Chron. ann. 876, 877, ibid. pp. 588-590. There are some discrepancies between the two annalists which it is not easy to reconcile; we have preferred Hincmar's account. The death of Charles the Bald was by some attributed to poison, said to have been administered by his Jewish physician Sedechias; but at whose instigation is not mentioned.

they possessed themselves of the defenceless city and the person of the pontiff; and after extorting from the citizens an oath of allegiance to King Carlmann, and plundering the surrounding country of all the Saracens had left, they evacuated Rome, spreading themselves over the country so as, if possible, to cut off all communication with France, and to shut out the pope from every present prospect of relief.[d]

Desperate position of John VIII.

The position of the pontiff appeared almost desperate. He knew that the advocacy of Carlmann's title was a hollow pretence, and strongly suspected Adalbert and Lambert of a design to share the estate of the church between them. But John was not wanting either to himself or his church in this distressing emergency. He boldly issued sentence of excommunication against his enemies; he found means to break through or elude the snares that were spread around him; and happily effected his escape to France, with a view to solicit that assistance from King Louis he was entitled to demand under the late treaties with his father.

John VIII. in France.

The pontiff arrived at Arles on the day of Pentecost in the year 878. Boso earl of Provence and his consort Irmengarda, daughter of the Emperor Louis, escorted him to Lyons; from that city he was accompanied by a deputation of French bishops to Chalons-sur-Saone, where he discovered that some of his horses had been stolen on the road. At the convent of Flavigny, again, he missed a valuable silver vessel belonging to his table-furniture, and consoled himself for these losses by the solemn excommunication of the perpetrators of the "sacrilegious" deeds. He wrote moving letters to the Germanic princes, Carlmann, Louis, and Charles (the Fat), containing ample details of the misdeeds committed in their name by Adalbert and Lambert; he directed the archbishops of Maintz, Cologne, and Treves to hasten to the great council appointed to meet at Troyes in the month of August following with all the suffragans of their respective provinces, and to spare no pains to persuade the princes themselves to bear them

He convokes a synod at Troyes.

[d] Ep. *Joh. VIII.* ep. 84, ap. *Baron.* ann. 878, § 11.

company. The papal summons included the king and every prelate of the French kingdom, together with the archbishops of Milan and Ravenna from Italy. The pope was acutely sensible of the vital importance of a numerous attendance to his cause, and neither threats nor entreaties were spared to procure a general demonstration of public feeling on his behalf. The disappointment, however, was overwhelming, when at the place and on the day of opening it was found that not a solitary prince or prelate from Germany had made his appearance, and that a shabby attendance of thirty bishops, himself included, was all that could be mustered to hold out hope or encouragement to the distressed pontiff.[e]

With such support, however, as he could command, John resolved to open the session. In the first place, he reiterated the ban of the church against his adversaries Adalbert and Lambert, including in the sentence his domestic enemies Gregory, Stephen, Sergius, and Formosus of Portus. The bishops present echoed the anathema; but thought it reasonable that while the pontiff was taking vengeance on his own enemies, he should concur in the like censure upon the lay usurpers and plunderers of the estates and endowments belonging to their own churches and convents. Here, however, lay a serious risk of offending the king and the powerful barons in attendance. But no alternative presented itself; and John devoted all who might come under the charge of usurping or plundering church lands and possessions to utter perdition, so that all who should die in that predicament should be deprived of Christian burial.[f] But having at some peril thus far gratified the prelacy, he thought himself entitled to proceed to the real business of the meeting. He therefore exhorted and commanded all present, without distinction of persons, "to set forth in martial array, with all their military powers, and without further delay to take vengeance upon the enemies of God and his church, and to reinstate the

Transactions of the synod.

[e] *Hincm.* Annal. ann. 878. ap. *Pertz*, i. p. 506; *Joh. VIII.* epp. 84, 85, ap. *Baron.* ann. 878, § 11, &c. Conf. *Ciacone*, Vit. Pontif. tom. i. p. 660; and *Fleury*, tom. xi. p. 426.

[f] *Hincm.* Annal. ann. 878, l. c. p. 507.

pontiff upon the throne of the Blessed Peter, upon pain of incurring the inexpiable guilt of those kings and priests who had proved themselves the enemies of God or the friends of his enemies."[g]

The bishops ignore the papal interests.

But this proposal seems to have extinguished the last spark of sympathy for the papal cause in the heart of the assembly. It is probable that the bishops of France had not forgotten the late attempt of the pope to fasten the vicariate upon them, and that they might still suspect him of an intention to meddle with the liberties as well as the patronage of their churches. Instead of responding to the warlike proposal of John, they passed on coolly to matters more germane to their own interests; they came to a resolution that both princes and laymen of all ranks should show the utmost reverence to bishops, and that no one, without special permission, should presume to sit in the presence of a bishop. And with a view to guard against papal as effectually as against lay aggression, they ordained that no layman should, on any pretence, hold ecclesiastical estate or benefice; and that no one but *canonically qualified persons should sue to prince, or pope, or foreign prelate*, for abbeys, patrimonies, houses, or lands belonging to the churches; under penalty of the curse pronounced against the like offences, in the form of the anathema lately approved and published by the council against the Italian depredators and usurpers of church estate.

Forlorn position of Pope John VIII.

Humbled and cast down by the loss of all influence in an assembly upon which he had built his last hopes, the pontiff made no further attempt to direct the proceedings. His Italian adversaries paid no attention to his anathema. In France nothing had been refused, but nothing had been done for him. King Louis the Stammerer lay in a hopeless state of bedridden imbecility; and the Italians had in the mean time placed Carlmann of Bavaria upon their throne, though accompanied with the surrender of almost every prerogative of the crown to his rapacious and faithless

[g] *Baron.* ubi sup. §§ 18, 19, p. 320.

constituents. Under these afflicting circumstances, Pope John VIII. cast his eyes upon the powerful Boso earl of Provence. He was aware of the impatience of the imperial princess Irmengarda under the condition of wife to a subject. He found that the Burgundian nobility and prelates were not averse from a final separation of their rich and undisturbed provinces from the feeble body of the French monarchy. By the death of Louis the Stammerer, which occurred opportunely enough, they might deem themselves absolved from their connection with France: accordingly they yielded with apparent readiness to the instances of Boso and his consort; and, with the concurrence of the pope, they crowned them king and queen of Cisjurane Burgundy. John adopted him "son of the church," a title bestowed only upon reigning princes; and published the anathema against all who should impugn his right or disturb his government.[h]

Boso king of Cisjurane Burgundy.

Shortly before his death, Charles the Bald had appointed Boso his viceroy in Italy during his absence; but neither then nor since had the latter possessed any influence or adherence which could balance the licentious and capricious power of nobility and clergy. Carlmann, who had lately suffered from paralysis, was regarded as already dead by his Italian vassals, and with their habitual levity they had elected Charles the Fat of Swabia as their sovereign; and the pontiff, driven onwards by the torrent of revolution, threw himself into the arms of the new king. Thus when, towards the close of the year 880, Charles appeared before Rome as a candidate for the imperial crown, the pope, yielding to the pressure of circumstances, abandoned the Gallo-Frankish branch of the Carolingian family, and crowned him emperor of the

Charles the Fat elected king of Italy.

Charles the Fat emperor.

[h] This menace was aimed at Charles the Fat of Swabia. Both he and his brother Louis of Franconia were preparing to try for a share in the scramble for power to which the frequent demises of the Carolingian princes gave occasion. The pope had recommended them to be contented with the limits of their kingdoms, and threatened them with the last censures of the church if they should venture to meddle with his adopted son and daughter or their dominions. See *Hincm.* Annal. ann. 879, ap. *Pertz*, i. p. 512: conf *Sismondi*, H. de Fr. tom. iii. pp. 238-240, and *Leo*, Gesch. Ital. vol. i. p. 208.

Romans with all customary pomp and ceremony.[i] But no sacrifice on the part of the pope could avail against the stupid indolence of the being to whom he had administered this tempting bribe. As if to fill the cup of humiliation to overflowing, John had been compelled to abandon the cause, and to revoke his adoption, of Boso of Provence.[j] Still the feeble voluptuary whom he had befriended could not be moved to abandon that cowardly policy by which personal danger might be averted, and a respite from bodily exertion might be purchased.

Activity of John VIII.

But Pope John VIII. found a more certain remedy in his own indomitable self-reliance and activity. When deserted by all external aid, he resorted to his spiritual weapons with effect. The archbishop of Naples, and the predatory princes of the Capuans, Salernitans, and Gaetans were excommunicated. But these visitations would probably have produced no change in his position, if he had not found more material means to bring his adversaries to reason. The primate Athanasius of Naples was made sensible to the inconvenience of the papal ban, and received absolution upon condition of his breaking off his connection with the Saracens, slaying without mercy all of them that should fall in his way, and leaving no effort untried, if possible, to bring their chiefs in chains to the foot of the papal throne.[k]

Death and character of John VIII.

The calamitous pontificate of this pope closed with his death, in the year 882. He had sat upon the papal throne for a term of ten years; and during that period had enjoyed more frequent opportunities than any preceding pontiff of exercising the most coveted prerogatives of the chair of Peter. Twice he had bestowed the crown of empire, and two kings had been his debtors for that spiritual ratification which the prepossessions of the age rendered indispensable to the

[i] *Hincm.* Annal. ann. 880, ap. *Pertz*, i. p. 515; *Pagi*, ad Baron. ann. 879, § 1.

[j] See the letters of Pope John VIII., ap. *Baron.* ann. 880, § 14. Conf. *Leo*, Gesch. Ital. vol. i. p. 282, from the 72d ep. of Pope John VIII.

[k] *Baron.* ann. 881, § 6. *Fleury* (tom. xi. p. 504) naively remarks that this condition of absolution was hardly in conformity with the primitive benignity of the church.

completeness and security of the royal title. On one of these occasions he had presumed to depart from the law and custom of succession, and on another he had arbitrarily transferred to a stranger the finest provinces of the Gallo-Frankish kingdom. He had in the course of his active life several times traversed France and Italy from end to end; he had indited no fewer than three hundred and twenty pontifical epistles; he had mingled personally in every ecclesiastical controversy of his age; he had even led his troops personally into the field, and achieved frequent successes. And although in his hands the censures of the holy see lost much of their effect by the prodigal use he was perhaps compelled to make of them, yet he contrived to maintain, even over the callous consciences of his Italian neighbours, a degree of influence which at least helped out his scanty military resources; and by the grant of privileges, and the relaxation of ecclesiastical penalties, he had opened an asylum to the discontented laity and clergy among his opponents, which introduced perplexity into their councils, and often disabled them from distinguishing friends from foes.

Anticipation of the future.

Yet, with all these opportunities of command and influence, combined with governing capacity of no mean order, Pope John VIII. was unable to stem the torrent of decay and corruption which accompanied the transition state of feudalism from its imperfect to its more organic and accomplished form. The degradation of the descendants of Charlemagne drew after it the rapid decline of the great spiritual ally whom that dynasty had warmed into prodigious life and activity in its own bosom. The summer sun, which had hitherto shone upon the papacy, was about to be quenched in a long and dreary winter of desertion and neglect. These palmy days were now to be succeeded by a century of moral decrepitude and political torpor unparalleled in the annals of its past history,—a state of chronic debility which no dominion but one founded upon a deep and widely-spread basis of religious prepossession could have survived.

CHAPTER VI.

THE PHOTIAN SCHISM (I.).

Reasons for adverting to the affairs of the eastern churches—Jealousies between Rome and the East—Ignatius and Gregory of Syracuse—Deposition of Ignatius—Photius patriarch—Mutual anathemas and reference to Rome—Letter of the Emperor Michael III.—Reply of Pope Nicolas I.—Legation to Constantinople—Tergiversation of the legates—Decree against lay-bishops—Protest and appeal of Ignatius—Apology of Photius—Reply of Nicolas I.—Rome the basis of the church—Rome the only model of law and discipline—Nicolas on the plea of precedent—All synodal authority derivative from Rome—Rejection of Photius—The regulation, &c.—Charge of forgery—The papal mandate—Condemnation of the legates—Papal sentence upon Photius, and upon Gregory of Syracuse—Decree for the restoration of Ignatius—Character and position of Photius—Effect of the papal decree—The Bulgarian dispute—Libellous letter of Michael the Sot—Reply of Nicolas I.—Style and diction of the reply—Exordium of the reply; charges irreverence and blasphemy; affirms Constantinople to have always been a dependency of Rome; the emperor a blasphemer of God and his church—Nicolas asserts his right of asylum—Rome the asylum of the universe—Menace and taunts—Commands Michael to send the litigants to Rome—Exhorts the emperor to obey *the church;* to burn all obnoxious writings, especially his own letter—Character, scope, and design of the letter—The papal envoys repulsed from the frontiers of the eastern empire—Results of the policy of Pope Nicolas I.—Basis of his demands—Papal tactics—Photian tactics—He brings a charge of heresy against the Latins—He convokes a general council—He takes advantage of the difficulties of Nicolas—Papal appeal to the western churches against Photius—Character of the appeal—Photian synod of 867—Reaction and downfall of Photius—The emperor and patriarch at the feet of the pope—Oriental legation and audience—The bag—Burning of the bag, and condemnation of Photius and his synod—Papal project of a general council against the Photians—"Libellus" of Pope Hadrian II.—Council of Constantinople, A.D. 869—Opening of the council—Reading of the Libellus—Audiences and resistance of the Photians—Photius before the synod—Defence of the Photian bishops—Recusancy and condemnation of the Photians—Anathemas and paper-burnings—Canons of the council of 869—Close of the sittings—Gains of Rome—Infirmities of the so-called general council of 869.

Reasons for adverting to the affairs of the eastern churches.

We might perhaps, without injury to the proper subject of this work, have taken leave of Byzantine history in its connection with the progress of the papal power at the era of the political separation of Rome from the lower empire. A

single consideration, however, induces us to pursue this episodic portion of the subject to the final schism which put an end to regular religious intercourse between the churches of the East and the West. We observe, namely, that the controversies of the holy see with the churches and rulers of the West rarely drew from her pontiffs such clear, decisive, and peremptory declarations of prerogative as those which her transactions with the Greek emperors and their churches called forth. In these documents we look into the heart and mind of Rome; we discover in their tone and spirit a faithful transcript of her policy, undisturbed by those political reserves which tended more or less to introduce a certain ambiguity in her dealings with those neighbours whom she could not offend without inconvenience. But when she addresses the Greek heretic or schismatic, whether emperor, patriarch, or bishop, all such reserve vanishes; her tone is full and clear, her voice round and sonorous, and her whole soul and intent is thrown into the subject without fear or caution.

Jealousies between Rome and the East.

But for this absence of all restraint, this irritability of temper, there was a peculiar cause, tending to banish forbearance, and give full play to those passionate sentiments which religious opposition so commonly engenders. The distant scent of a controversy with Constantinople produced an angry chafing of the spirit, which pointed to deeper motives of fear and jealousy than could be awakened from any other quarter. Constantinople was the only really independent church, the only one which stood out in practical isolation from the chair of Peter. Unavowedly, indeed, in theory, but undeniably in practice, the patriarch of Constantinople was the nominee of the sovereign; and in the same respects that sovereign was himself the temporal head of the church of his empire. At Rome this state of things was as the "abomination of desolation in the temple of the Lord." In aggravation of this original sin, the discipline and ritual of the Greek church not only disdained conformity with those of her Latin sister, but discountenanced or reprehended certain traditionary rites

and forms hallowed in the practice of the would-be "mother and mistress" of all churches. But a still deeper wound—a running sore which defied the healing hand of time—rankled in the spirit of the papacy. Of all that wide domain which the popes of Rome had theretofore successfully vindicated to themselves, not a vestige remained. Epirus, Dardania, Mœsia, Macedonia, Greece, and Crete,—in a word, the vast diocese of Illyricum Orientale,—were now, and had been for a century past, peaceably ranged under the sceptre of her rival. But spiritual claims are as imperishable as the power in which they are presumed to dwell; and every province and canton of her lost dominion was as clearly as ever mapped out in the memory of Rome. Politically she was not involved with Constantinople to any vital extent. There was therefore little occasion for those shifts and disguises to which she was often driven in her intercourse with those powers upon which she depended for protection against her numerous domestic and foreign enemies; consequently nothing to impede the fullest expression of opinion and feeling, or to check the flow of that rude invective, passionate reproach, or haughty menace, in which the controversy of the age habitually clothed itself. A fairer opportunity to hear her state her own spiritual claims in the vulgar tongue of the age could hardly be presented to our adoption.

Ignatius and Gregory of Syracuse.

The reëstablishment of image-worship in the East (A.D. 844) was treated by the Greeks in all respects as a party question.[a] When the object of the victorious party was gained, they threw aside the claims and merits of Rome, as a warrior lays aside his arms when the battle is won. The papacy acquired no more influence in the management or direction of ecclesiastical affairs than before she had unfurled her standard. In the full gale of religious warfare her pennon floated proudly enough; when the tempest lulled, it was coldly dropped, with scarcely an acknowledgment of the services rendered. After the

[a] Conf. Book V. c. v. p. 521 of this work.

deposition of John Leconomantis, Nicetas, a son of the Emperor Michael II., was placed upon the patriarchal throne by the regent Bardas. The new patriarch, however, soon gave offence to his patron by insisting upon his repudiating the widow of his brother, whom he had married. Nicetas had, as monk, assumed the name of Ignatius, by which he was ever afterwards known to the church. He moreover opposed Bardas in his design of engrossing all the powers of the regency, and protected the empress-mother Theodora and her daughters against the injustice of the court. About the same time Gregory, bishop of Syracuse in Sicily, a person in high favour with the Cæsar Bardas, incurred the censure of the impracticable patriarch, and was, at his instance, synodically tried and deposed.[b] Against this sentence Gregory appealed to Pope Leo IV.; and Ignatius sent a legate to Rome to explain the transaction. That pontiff, as a matter of course, interpreted this conciliatory disposition as an acknowledgment that the confirmation of the sentence by the holy see was requisite to impart validity to the act of the synod.[c] But neither that pontiff nor his successor Benedict III. took any step in the matter further than to reserve cognisance of the cause; a ceremony which was never omitted, whatever the real character of the application might be.

Deposition of Ignatius—Photius patriarch.

But Bardas and his friend Gregory soon tired of the impracticable patriarch. Ignatius was banished to his convent; and Photius, a gentleman of high reputation for learning and address, was raised *per saltum* from the condition of a layman to the patriarchal throne of Constantinople. The reputation of this extraordinary man is at the mercy of his enemies; no scrap of friendly testimony on his be-

[b] A.D. 854.

[c] The presumption, however, was unfounded. The pope's jurisdiction proceeded upon the pretence that the bishops of Sicily were the spiritual subjects of Rome. But Sicily had been severed from the Latin patriarchate by Leo the Isaurian more than a century before this; and there is no trace of a restoration of her late spiritual dominion, or any part of it, in consequence of the iconoclastic peace, any more than of the territorial patrimony she had lost in the course of the religious war. Conf. *Baron.* ann. 854, § 7, cum not. *Pagi*, p. 435. See *Id.* ibid. ann. 860, § 6, p. 523.

half has been allowed to reach posterity; he is therefore entitled to the utmost benefit of any reluctant admissions in his favour that may be extracted from the evidence of his detractors. It appears singular that the elevation of Photius was unaccompanied by any judicial sentence of deprivation against his predecessor; but this irregularity is not inconsistent with the capricious practice of the Byzantine court. There were now ostensibly two patriarchs of Constantinople; but Photius was not a person to bear with a rival or an associate on the throne, and it is probable that he put in requisition all the arts of solicitation and intrigue to prevail upon Ignatius to resign the patriarchate. Under the encouragement, however, of a considerable body of the clergy attached to his interests, the latter stedfastly refused to yield to the usurper; and, accompanied by his friends in a body, he seceded to the church of St. Irene, where his party resolved themselves into a synod, and solemnly anathematised Photius, and all who should hold communion with him as their patriarch.

Mutual anathemas and reference to Rome.

To be even with his opponents, Photius, supported by the court, assembled his friends in the church of the apostles, and passed sentence of deposition and anathema against Ignatius and his associates. The latter were accordingly committed to custody in common gaols, or banished to distant regions under all those circumstances of want, neglect, and cruelty which always befell all who had incurred the displeasure of the court. All these enormities were of course laid to the charge of Photius himself by his enemies; and the combined moral and formal defects of his cause deprived him of that sympathy which might have blunted the arrow of accusation. He hastened to despatch his legates to Rome, to lay before Pope Nicolas I. a highly coloured statement of the late doings at Constantinople; and at the same time took all imaginable pains to intercept the communications of his adversaries with the holy see. Nicolas, however, after possessing himself of the cause as an appeal to the ordinary prerogative of the see of Peter, civilly informed

Photius that the manifest irregularity of his election must prevent the papal assent to his consecration until the pope should have made further inquiries on the spot; for which purpose it was his intention, as soon as possible, to send commissioners to Constantinople.[d]

The letters from the Emperor Michael III. (the Sot) which accompanied the statement of Photius, enabled the pontiff to enlarge more freely upon the nature of the transaction than would have been suitable in corresponding with a person who, like Photius, could not be treated with in any recognised character. The pope remarked that, though praiseworthy in itself, the communication of the emperor was tardy and ill-timed: "For," said he, "the holy fathers of the church have held it as a maxim that no matter of grave importance could be finally decided without the concurrence of the pontiff of Rome; yet have you transgressed this salutary rule, and, without consulting us, have given your countenance to an assembly which has degraded your metropolitan patriarch: and this glaring irregularity appears upon the very face of your letter, as well as upon that of your adviser Photius. But matters of a still more serious aspect strike us in the perusal of these documents. You have, it appears, in contempt of Scripture, of the councils, and of the decrees of the Roman pontiffs, elevated a layman *per saltum* to the patriarchal dignity: such a proceeding cannot be allowed to pass without our most serious animadversion; and, with a view to our fullest satisfaction, we direct that Ignatius himself be summoned to appear before our said commissioners and a full synod, to show cause why he has deserted the flock committed to his charge; that every facility be afforded for a canonical inquiry into the merits of the proceedings against him; and that the result of the inquest be transmitted to us, to enable us to arrive at right judgment on the whole matter."

Letter of the Emperor Michael III.—Reply of Pope Nicolas I.

In his dealings with the court and clergy of the East, Nicolas I. deemed all reserve out of place; he therefore

[d] *Baron.* ann. 860, § 2, p. 522.

Legation to Constantinople.

allowed no doubt to rest upon the terms of communion with the see of Rome, and seized this opportunity to urge upon the emperor a peremptory demand for the immediate restoration of the provinces constituting the ancient diocese of Illyricum Orientale,—comprising by this time probably the greater half of the empire,—as held in the days of his predecessors, from Damasus to Hormisda, through their vicar the primate of Thessalonica, to the spiritual jurisdiction of the holy see;[e] and he demanded that in the execution of these articles, and all other matters they might have in charge, neither the emperor himself, nor any others by his negligence or connivance, should be permitted to interfere with his legates, Rodoald and Zachary, so as to impede them in the fulfilment of their commission.[f] The legates themselves were instructed upon no pretence to communicate with Photius, and to take every precaution against the falsification of the letters intrusted to them for delivery. Notwithstanding, however, all these precautions, it turned out that the arts of Byzantine persuasion were more than a match for the fortitude of the legates. After an imprisonment of nearly eight months,—accompanied, no doubt, with some personal inconvenience,—they yielded to the importunities of Photius and the court, and publicly communicated with him as legitimate patriarch.[g] Having thus, as he thought, secured himself against papal opposition, Photius assembled a convocation of no fewer than 318 bishops at Constantinople; and after proof of some formal irregularity in the election of Ignatius, procured a sentence of nullity, and divested him of the episcopate.

Tergiversation of the legates.

Decree against lay-bishops.

But it appears that the deposed patriarch had defended himself with spirit and courage; and, either under the impression produced by

[e] Conf. Book II. c. i. p. 280; Book III. c. i. p. 8; ibid. c. ii. p. 55; ibid. c. iii. p. 104; Book V. c. i. pp. 429, 430.

[f] *Baron.* ann. 860, §§ 3-9, pp. 523, 524.

[g] See the original Letters of Nicolas I., ap. *Baron.* ann. 861, § 8, p. 535. It appears that the pontiff had three copies made of his letters to the Orientals,—one to keep himself, a second for the use of the legates, and a third for the persons to whom they were addressed,—under the apprehension that, if no means of verifying the contents were at hand, Photius might seize and alter them to suit his own purposes.

his remonstrances, or under the influence of the legates, the synod enacted, *first*, that in future no priest or prelate should be justified in renouncing the communion of his superior until the latter should have been canonically deposed; *secondly*, that no bishop should be consecrated to any church during the lifetime of the incumbent, nor until six months after canonical deprivation or voluntary resignation; *thirdly*, that no layman should be promoted to the episcopate without passing through the canonical probation, and obtaining the regular orders; and *lastly*, that all the exceptions to this rule which might occur in the history of the church should not for the time to come be again drawn into precedent.

Protest and appeal of Ignatius.

Though these enactments might not have been best pleasing to the patriarch, his object was gained for the present; and it seems not very credible that, under such circumstances, he should have deemed a documentary resignation by his rival of so much importance to the security of his own title to the patriarchate, as to induce him to commit the inhuman cruelties against the person of the unfortunate Ignatius with which his adversaries have charged him for the purpose of extorting so useless an instrument. It is, indeed, admitted that the late patriarch was very soon restored to liberty; and that the earliest use he made of it was to compose in his own name and that of his friends,—including eight metropolitans, many bishops, priests, and monks,—a strong memorial to the pontiff of Rome, containing a minute detail of the sufferings he had endured, the irregularity of the prosecution against him, the prevarication of the legates, and their unauthorised participation in the sentence passed upon him. He complained more especially that his appeal to the pope, publicly tendered to the synod that tried him, had been contemptuously rejected; and that canonical law and precedent—in particular the canons of Sardica and the case of St. John Chrysostom[h]—had not been deemed worthy of at-

[h] Conf. Book I. c. ix. p. 207, and Book II. c. i. p. 275, of this work. This—if genuine, of which there may be some doubt—is the only instance on record

tention. The memorialists concluded by imploring the pontiff, "after the example of the holy apostle Paul,"[i] to hasten to the rescue of ecclesiastical order, and to stretch forth his hand to avenge the outrages perpetrated against the legitimate patriarch and his supporters.[j]

Apology of Photius.

Photius, whose language upon the occasion was by all accounts temperate, if not judicious, sent a report of the decision of the council to Pope Nicolas I., according to ecclesiastical courtesy and ancient usage. He professed his submission to undeserved rebuke, and protested that he had not sought the dignity which had been thrust upon him. He had always, he said, preferred the life of learned leisure to the bustle of public business or the intercourse with the world; but that when he found the change in his position to be inevitable, he had applied himself with all his powers to the performance of his new duties. Men in authority, he observed, cannot always choose their agents; sometimes even they are compelled to seem to approve that which they dislike, neither rewarding nor punishing strictly according to desert: in this way, they often come to bear the blame of the offences of others; and so it might happen that, if any violence had been done to Ignatius or his friends, the reproach should fall on him instead of those who really committed abuses of which he was wholly innocent.[k] He contended, that if there had been any anomaly in his election, not he, but they who had elected him, must be responsible; though, in fact, the oriental churches knew of no canon against the elevation of a layman to the episcopate, as might appear in the cases of Nectarius, Tarasius, Gregory the father of the Divine, Thalassius of Cæsarea, and others: the Latin church itself had not rigidly observed the rule, as in the case of Ambrose of Milan, who was an unbaptised catechu-

of the Sardican canons having been received or acted upon by the Orientals. See *Dupin*, de Antiq. Discip. Eccles. p. 107.

[i] The pope would probably have preferred Peter.

[j] *Baron.* ann. 861, §§ 15-31.

[k] If he had really been the monster of cruelty he is depicted by his adversaries to have been, nothing would have been easier than to immure his rival in a prison, or even to have put him to death, rather than to have set him at liberty at a time when he still possessed the means of being as troublesome as the result proved him to be.

men at the time of his election. He admitted, however, that the practice, if it became such, might be attended with abuse and scandal; and he further observed, that he had endeavoured to remove the cause by supporting the enactment of the synod, that no monk nor layman should be advanced to the episcopate without passing through the inferior orders, as usual in all other cases. Referring, then, in the last place, to the demand of the pope regarding restitution of the Illyrian diocese, he declared that it would, as far as he was personally concerned, cause him no regret; but that the power to define the limits of provinces and jurisdictions lay neither with him nor with the pope, but was altogether a matter to be determined by the emperor, consequently the pope could not impute his non-compliance as a personal offence. The apology concluded by earnestly cautioning Nicolas against those vagrant priests and slanderers who he knew had already been very busy with his reputation at Rome.[l]

Reply of Nicolas I.

Stung to the quick by the cool and matter-of-fact tone of this statement, Nicolas assembled a synod of Italian bishops: he denounced Photius as a usurper; he declared that he had given no authority to his envoys to consent to his elevation, and that no consideration should induce him to sanction either the deposition of Ignatius or the intrusion of his rival. The same resolution was expressed in a letter to the Emperor Michael. To Photius himself he vouchsafed a fuller explanation of the sentiments which his conduct had inspired; a reply which figures among the superbest monuments of papal arrogance that ever issued from the chair of Peter.[m] "Our Lord and Saviour," said the pontiff, "when he vouchsafed to appear in the flesh, established the foundations of his church upon the Rock Peter, and gave unto him the keys of the kingdom of heaven, that whatsoever he might bind on earth might be bound in heaven, and that whatsoever he might loose on earth should be loosed in hea-

Rome the basis of the church.

[l] See the entire document, ap. *Baron.* ann. 861, §§ 34-54, pp. 544-550.

[m] We give it in as compressed a form as is consistent with perspicuity: see the letter at length, ap. *Baron.* ann. 862, p. 560.

ven. Now upon this foundation *the appointed builders* have from time to time heaped many precious stones, till by their unwearied diligence the whole building hath been perfected into indissoluble solidity. And that apostolical authority by which all this has been accomplished was by him delivered over unto us his vicars, the trusty servants of God, *whose eyes he hath opened, so that no mists or darkness have any power to seduce them from the right path.*[n] Among these it hath pleased Almighty God to number our feebleness; though trembling under the burden that is laid upon us when we reflect on the rigid account we shall one day have to give to the Eternal Judge on behalf of all, and in the presence of all who bear the name of Christ. . . . .

Rome the only model of law and discipline.

"Inasmuch, therefore, as the whole body of true believers over the whole world looketh unto this our holy Roman church as the only true standard of unity of faith and discipline, it behoveth us to bestow the greater vigilance over the Lord's flock the more frequently we hear of those ravenous wolves who go about to slay the sheep; lest by our silence we incur the guilt of supineness, and those who ought to hear our voice obtain the excuse of ignorance. And inasmuch as this church of Peter is the head of all churches, *it is imperative upon all to adopt her as their model in every matter of ecclesiastical expediency and institution*, because she hath maintained all these things immaculate from the beginning. Therefore also all things that are sanctioned by her rulers *in virtue of their plenary authority shall, notwithstanding any law or custom to the contrary*, be on no account departed from by the rest.

Nicolas on the plea of precedent.

"Now you, Photius, being a simple layman, have, in utter defiance of all these holy laws and usages, insolently presumed to ascend the patriarchal chair: you have, moreover, dared to shelter your usurpation under the venerable names of Nectarius, Tarasius, and the holy Ambrose; wholly forgetting that the first of these was raised up to govern the church because

[n] Witness Liberius, Vigilius, Honorius!

of the dearth of eligible ministers; that the second was chosen for the defence of the church against the blasphemous heresy of the image-breakers; and that the last was pointed out by the finger of God himself by a visible miracle.[o] . . . . . But what say you now to your daring invasion and usurpation of the see of the holy Ignatius, himself a living bishop? Thus you say, 'We of the church of new Rome know nothing about a synod of Sardica, nothing of the decrees of the Roman pontiffs.' Nay, but that synod was held within the limits of your empire, and was received by the universal church.[p] As to your ignorance of the decretals of the first of all sees, —that *from whom you well know all synods and all councils derive their authority* to bind and to loose,—it is not difficult to divine your reason; for you were quite aware that all these ordinances strictly prohibit the elevation of a layman to the office of bishop; that, in short, they absolutely annul your own ordination.

All synodal authority derivative from Rome.

"You tell us next of your reluctance to accept the proffered chair. We believe it not; for every act of yours since your elevation contradicts the pretence. Without a moment's delay, you set to work to depose archbishops and bishops; you cruelly condemned and persecuted the innocent Ignatius. But the holy Roman church hath decreed that no one shall be condemned

Rejection of Photius.

[o] Nicolas is very diffuse upon this plea of Photius. But in the case of Nectarius we do not find any ground for the papal allegation. See the account of his elevation in *Sozomen*, lib. vii. cc. vii. viii.; *Socrates*, lib. v. c. viii.; *Theodoret*, lib. v. c. viii.: conf. *Baron.* ann. 381, §§ 69-71, and *Fleury*, tom. iv. pp. 399 et sqq. The elevation of Nectarius is hardly to be traced to any more efficient cause than the will of the Emperor Theodosius the Great. Certainly there was no lack of fit and proper persons to fill the office; for the decree of the emperor "pro catholicâ fide" names no less than ten bishops of such undoubted orthodoxy that he denounced all who should differ from them as heretics. As to the case of Tarasius, see Book V. c. iv. of this work, p. 489. The single ground of approval in his case was, that his elevation suited the views of Rome at the moment; in all other respects it was as defective as that of Photius. The case of Ambrose certainly could not help out that of Photius; for what the Almighty might have been pleased to do in that case, the pope alone was competent to do in the others. It would have been more honest to have put the cases of Nectarius and Tarasius upon that ground.

[p] This is untrue. The oriental churches never accepted the decrees of the Latin council of Sardica; for though held within the territory of the oriental empire, almost all the Greek bishops had seceded from it to Philippopolis. Conf. Book I. c. ix. pp. 203 et sqq. of this work.

without certain proof; and therefore she doth not condemn Ignatius, neither doth she receive you into the lists of the holy hierarchy. And this she doth, not from any personal disfavour towards you, but from zeal for the *traditions of the fathers*, and from a burning desire that the holy church of Constantinople,—which hath now, *according to ancient practice and the ordinances of the fathers*, recurred to the Roman chair for direction and security,—may stand without stain or reproach, by the cutting-off of all such things as are contrary to ecclesiastical rule and order.

"Again, you allege that different churches have different customs; and we reply, that as long as there be no *canonical* authority against such customs *which might compel us to pronounce them void*, we refrain from passing judgment upon them. And verily we shall take good care that the salutary regulation so lately introduced into your church, that no layman be suddenly elevated to the episcopate, be henceforward right well observed among you, and that the like abomination gain no further support from precedents like yours.

The regulation, &c.

"With respect to your dealings with our legates, no single circumstance of your disgraceful conduct is hidden from us: we know that your demeanour towards them, as well as the use you made of the documents intrusted to them, were expressly so contrived as to deprive them of the means of executing their commission. It is well known to us that our apostolic epistle to the late synod was—as by the falsified copy of the same in your report of the acts of that synod transmitted to us clearly appears—by some person fraudulently altered, so as to put in the place of its true intent and meaning another and a different object, at variance with our real intention as expressed in the genuine text of the same. We are moreover fully informed that they, our legates, were compelled by personal violence, and by threats of a long and dreary exile amid filth and misery, as well as by divers other machinations of yourself and your accomplices, to relinquish the performance of their duty; and that they were thereby disabled from ascertain-

Charge of forgery.

ing, according to the tenor of their instructions, whether the deposition of Ignatius was just or unjust."

The papal adjudication against Photius was accordingly published to the whole Christian world in encyclical letters to the three great patriarchs and all the bishops of the East. "We command," said the pontiff, "by our apostolical authority and in pursuance of the privilege of our see, that you each make known to us your full acceptance of, and acquiescence in, this our pastoral decision; that you publish it in every province and parish; that you inculcate it in your sermons; and that you yourselves adopt and act upon it without reserve or delay."[q] The papal mandate.

In his reply to the apology of Photius, Nicolas had apparently adopted the excuses tendered by his legates for their demeanour at Constantinople. But the arrival of inculpatory letters from Ignatius and his friends gave a different aspect to their conduct: they had accepted bribes; they had been among the foremost and the loudest in condemning Ignatius; they had then, in the very teeth of their instructions, publicly communicated with Photius, and, in the name of the pope, acknowledged the title of that criminal to the patriarchal throne. Upon these charges they were put upon their trial,[r] and solemnly degraded from the priesthood and excommunicated. The pope next proceeded to deal with the principal offenders,—Photius, Gregory of Syracuse, and their accomplices. As to the former, no further inquiry was deemed requisite: he was not entitled to the benefit of canonical forms; he was an outlaw, "a thief, and a robber, who had entered the fold of the Lord, not by the door, but over the wall;" he was "a ruffian and an adulterer;" a mere associate of damned and accursed heretics, such as Gregory of Syracuse and others, whom Pope Benedict III. had condemned. Photius was therefore pronounced an alien from the church, divested *ab initio* of all sacerdotal office; and it was further ordered Condemnation of the legates. Papal sentence upon Photius,

[q] *Baron.* ann. 862, § 19, p. 563.

[r] By a synod assembled in the basilica of Constantine, in the winter of the year 863.

that if, after that sentence, he should presume to exercise any clerical function, more especially to retain the see of Constantinople against the legitimate patriarch Ignatius, he be put out of communion, without room for repentance or readmission except in the article of death.[s]

and upon Gregory of Syracuse.

The case of Gregory, though essentially different from that of Photius, was treated in the same way. Every canonical form was equally dispensed with. Though a bishop, he was, by the arbitrary act of the pope, deprived of all opportunity of defence, and condemned, untried and unconvicted, of the offence of laying hands upon a layman. Upon this charge he was degraded from the priesthood without hope of restoration; all who had accepted orders from him or Photius were declared to be accomplices of their crimes, their orders were annulled, and themselves included with their principals in one sweeping curse.

Decree for the restoration of Ignatius.

The pretended synod of Constantinople against Ignatius was at the same time declared void, and all its acts annulled. The deposed patriarch was acquitted of all imputations, and reinstated in his church and dignity. Every one who should impede or molest him in the execution of his office, or decline his communion, *without the previous approval of the holy see*, was to be degraded from the ministry as a traitor to his Lord, "along with Judas the apostate,"—and if a layman, to be deprived of communion and of every sacerdotal aid,—"and be bound with the curse of Ham, the father of Canaan, who uncovered the shame of his father Noah, and be smitten with eternal torments with the parricides in hell." The sentence was followed up by the abrogation of all pains and penalties against Ignatius and his party; and the decree concluded with the ordinance that, if any one among these persons be accused of offence of any kind, he should be first restored to his proper station in the church, and the whole case be referred to the holy see: "for," said the pontiff, "we will not permit any one of these to be judged by other authority than ours. Even though it may be

[s] *Baron.* ann. 863, §§ 2-5, pp. 579-581.

that some of them have done wrong, we have nevertheless resolved that they be reserved to our tribunal, *according to the canons.*"[t]

Character and position of Photius.

As long as Photius was sure of the protection of the court, he might smile at the distant thunders of the bishop of Rome. But there was a weight of moral demerit clinging to his cause which could not but impart a sting to the reproaches—it may have been the slanders—of his enemies. And surely there never was in the annals of the church heretic or schismatic whose memory has been loaded with a heavier weight of obloquy, or pursued with more inveterate malignity of purpose, whether truly or falsely, than that of the patriarch Photius. In wading through the black catalogue of crimes laid to his charge, we cannot resist the conviction that many of the items are pure slanders, to which the mean ambition of the man and the turpitude of Byzantine practice lent a colour of probability. The notorious love of intrigue, the habitual dissimulation, the common frauds and forgeries, the customary inhumanities of the court of which he was the creature, might well induce the world to believe him capable of any or all the enormities familiar to the habits and practice of his principals and associates. That his adversaries were in any degree less tainted with these vices is, however, not very credible; and it is therefore probable that the picture which Photius drew in his letters to Nicolas I. of the character of the Greek refugees then at Rome was not very greatly overcharged.

Effect of the papal decree.

The Roman synod which had thus summarily dealt with Photius and his associates closed its sittings early in the year 863. The news of its proceedings may have reached Constantinople in the spring

[t] *Baron.* ann. 863, §§ 7-11. It would have been a great assistance if the pontiffs had condescended to quote the specific canons under which they justified their claim of jurisdiction. In this transaction Nicolas I. invokes the single canon of Sardica. We can, however, easily conceive the danger of being too specific. The popes always found it more convenient to shelter themselves under general terms than to provoke discussion upon the special law of the case; it was safer to presume that all the world knew the law than to provoke inquiry into what that law really was.

of the same year. Up to that moment so strong a revulsion of popular feeling in favour of Ignatius had prevailed, that the court was intimidated, and the exiled patriarch was recalled to the capital.[u] When, however, the report of the council arrived, the flame of religious dissension was extinguished in indignation. Photius was now cordially supported by the emperor and the Cæsar Bardas; the friends of Ignatius withdrew in silence from the contest; and the reigning patriarch was left at liberty to strengthen himself by all those arts which his ambiguous position might tempt him to resort to.

The Bulgarian dispute.

But it did not lie in the plan of Photius further to embroil himself with Rome; and if he had not been involved with a vain and irascible court, the religious animosities of Greeks and Latins might have been allowed to exhale themselves in mutual invectives and anathemas launched at a safe distance, and doing no other mischief than that of bringing disgrace upon the common faith. But it so happened that, a few years before this point of time, Bogaris, king of the Sclavic Bulgarians, had been converted by the Greek missionary Methodius. Soon afterwards Roman emissaries had found their way into Bulgaria, and had made some converts. Ritual and disciplinarian dissensions soon arose between Greeks and Latins; and the latter had prevailed upon Bogaris to send his son, with several young nobles of his court, to Rome, to receive instruction in the faith from the pope. The Latins, it seems, at the suggestion of Nicolas, had infused a suspicion into the mind of the Bulgarians that the Greeks, under pretence of converting them to Christianity, were in reality plotting against their independence.[v] The thoughtless rage of the Emperor Michael was kindled afresh by this new encroachment of Rome. The cause of Photius, and the late vehement assault upon the independence of his church, became connected in his mind with this more recent insult; and, in the autumn of the year 865, he despatched the protospatharius Michael to Rome

Libellous letter of Michael the Sot.

[u] It does not appear that he was restored to his office.

[v] See the letter of Nicolas I., ap. Pagi in *Baron.* ann. 867, note to § 4.

with a letter containing, as we are laconically informed, the most furious revilings and threats against the person and acts of the pontiff, with a view of frightening him into a retractation of his sentence against Photius.

The envoy, however, seems to have felt no great liking for his mission; leaving his letter behind him, he made the best of his way back to Ostia, with a view to embark on his homeward voyage. But Nicolas, who had been prevented by indisposition from giving immediate attention to the imperial missive, was determined that the messenger should not return without his answer; and at the risk of his life he began, and took neither rest nor sleep until he had completed, a long and specific reply to the invective of Michael. A winged messenger was despatched with it in all haste to Ostia, and successfully delivered it into the hands of the protospatharius as he was stepping on board the vessel bound for the East. Reply of Nicolas I.

The libellous epistle of the emperor has not survived; but its import may be gathered from the reply of Nicolas I. It may be here observed, in extenuation of the turgid and bombastic style of composition, that in the age of this pontiff a power was ascribed to swollen and vehement diction in awakening the consciences of men, even in the highest stations, which in a more enlightened age would border too closely upon the ridiculous to be indulged in with impunity. The rhetoric of the ninth century found a much safer channel in authority than in argument; and the boldest or the loudest speaker was most likely to engage the attention, and to enlist the rude feelings, of the hearers on his behalf. A more reprehensible feature in this production would be its frequent disregard of historical truth, if we did not reflect that Pope Nicolas contemplated his position through that misty atmosphere of legend and tradition which obscures and distorts every fact, and throws back into darkest shade all but what the eye of the spectator is prepared to take in. Style and diction of the reply.

"Before the arrival of your messenger," said Nicolas in answer to the imperial libeller, "we had prepared a letter to you such as an affectionate Exordium of the reply.

son might delight to receive from a loving father. But now that an epistle full of blasphemies and insults hath come to us from you, 'our harp is turned into mourning, and our organ into the voice of them that weep.' We have therefore changed our style; we will now lay bare the wound, and hasten to *apply the caustic*. And we pray the Lord that He may open our lips, and put words of power into our mouth, which, by and through our apostolic office, may penetrate to your heart. Behold, you, O Cæsar, begin with revilings, we with blessings; you with blasphemies against the queen and mistress of all churches, we address you with all due courtesy (!) in the name of the Lord, ... herein following the example of Him who 'when He was reviled, reviled not again; who when He suffered, He threatened not.' . . . . Little, therefore, do we heed the vituperations of falsehood; knowing that it behoves your highness to do reverence to the priest for the sake of Him whom he serves: . . . for the priests of the Lord are to be judged, *not by what they are*, but by the Word which they speak from the Lord.[w] *Neither as concerning the vicars of the blessed Apostle Peter are you to inquire what they are as men*, but what they preach for your salvation. You cannot say that they stand below the Scribes and Pharisees who sat in Moses' seat; yet said the Lord of them, 'Whatsoever they tell you, that do and observe; but do ye not according to their works:' . . . how much the rather, then, should you hear him who sits in Peter's seat! . . . But though we may patiently listen to your railings against us personally, yet in those things which impugn our church, our prerogative, and our apostolic office, we do with all our might repudiate and roll them back upon you; and will strive to overthrow and confound them, as proceeding from an enemy to the truth. . . .

[w] Thus the false *Anacletus* (ep. iii. § 5, *Mansi*, Conc. i. p. 618), "Pro reprobis moribus magis est (episcopus) tolerandus quam distringendus, quia rectores ecclesiæ a Deo judicandi sunt," &c. So also *Evaristus* (ep. i., ibid. p. 628), "Ideo potius diligendi, obediendi et summopere venerandi, non detrahendi episcopi," &c. Conf. *Zephyr.* ep. i., ibid. p. 731; *Calixti I.* ep. i. § 2, ibid. p. 737, and other passages of the false decretals.

"We learn, moreover, that you vaunt your right to lay your 'commands' upon us. But which of your pious predecessors ever dared to use the imperious words 'we command' in addressing us? Their speech was never couched but in words of humble deference, such as 'we request,' 'we beseech.' . . . Nay, but there was once an orthodox emperor who, on a single occasion, uttered the forbidden words; and of him did the divine vengeance make a signal example.[x] But now you take upon you to 'enjoin,' to 'order,' to 'command' us to deliver up to you certain of our spiritual subjects. You affirm that 'you and your predecessors have been accustomed to command us and ours;' we utterly deny it. Never before this had they or you arrived at that summit of irreverence towards the see of the holy Apostle Peter. . . . . But again your fury plunges you into the very abyss of absurdity. You tell us, in your frenzy, that the Latin tongue is a barbarous, a Scythian jargon.[y] This must be because you do not understand it yourself; and if so, how indecorous to call yourself emperor of the Romans, and yet be ignorant of the language of the Romans! Yet you use that 'barbarous and Scythian' tongue, in common with the Greek, in the holy offices of your church. But if you neither understand nor like it, why not remove it from your liturgies? True, that would be an impiety; but you might think your work were incomplete unless you added that atrocity to those you have already perpetrated in the church of Constantinople."

Charge of irreverence and blasphemy.

After stigmatising in a tone of vulgar magniloquence the stupid prevarication of the emperor in attempting, by the base seduction of his legates, to bolster up the cause of Photius, and to oust the holy see of *her exclusive jurisdiction* over all episcopal causes, the pope roundly affirmed that no bishop of Constantinople had ever been ejected

Affirms Constantinople to have always been a dependency of Rome.

[x] Alluding to the command of the Emperor Maurice to Pope Gregory the Great to publish his ordinance against military deserters taking refuge in monasteries, and to the barbarous murder of that prince shortly after the publication. See Book III. c. vii. pp. 233, 234 of this work.

[y] They who have been condemned to wade through the Latin documents of

from his see without the consent of the Roman pontiff; at least no one of those who might be lawfully numbered among the deposed, and not of those who had been expelled by heretics or tyrants.[z] "Take a few instances out of many: was not Maximus, after being severely reprehended by Pope Damasus, driven from the see of Constantinople? Did not the same thing occur in the cases of Nestorius, Acacius, Anthimus, Sergius, Pyrrhus, Paul, and Peter? Were not all these persons deprived by the deliberate sentence and decree of the apostolic see?[a] If this be true, why, in the single instance of Ignatius, have you done this despite to the memory of the blessed Peter? Why, but that you were determined to bend all things to your despotic will, by the aid of a synod altogether a parallel in violence and cruelty to the notorious ruffian council of Ephesus.[b]

"But we omit to reply to many things in your letters, chiefly because they are filled so full of poisonous pra-

the age—even the writings of Pope Nicolas I. himself—might not be inclined altogether to reject the imperial criticism.

[z] After this fashion, it was not difficult to fabricate precedents. The pope had only to pronounce the prince or synod by whom a patriarch was deposed to be heretical or tyrannical, to exclude all such cases from the list of precedents. But the truth lay all the other way. The most orthodox emperors had removed patriarchs and set up others without a thought of asking the pope's consent. But this was easily got over by taking the usual inaugural letters sent by every new patriarch to all the principal sees—to Rome among the rest—as pregnant evidence of Roman jurisdiction and the necessity of the papal confirmation. If these letters were received, *that* was a consent; if not, the synod appointing was schismatic or heretical, and the emperor was a tyrant: the pope's proposition was safe either way.

[a] None of these precedents bear examination, excepting perhaps that of Anthimus (conf. Book III. c. iv. pp. 142, 143). In the case of Acacius, the decree of deposition remained, after all, mere paper-thunder. Acacius died in full possession of his see, and is still reckoned by the Greeks among their orthodox fathers (conf. Book III. c. i. pp. 36, 37). As to the monothelite patriarchs Sergius, Pyrrhus, Paul, and Peter, the first was neither deposed nor anathematised before his death; Pyrrhus was ejected without any papal decree or assent,—he was again reinstated upon his recantation, and again condemned after his relapse, without recurrence to Rome; Paul was excommunicated by Pope Theodore; and all the persons named by Nicolas I. were included in one sweeping anathema by Pope Martin I. in 649. But of these, both Pyrrhus and Paul died in possession of the see of Constantinople; and the papal decrees against him were, after all, a mere *brutum fulmen*. The same observation applies to the patriarch Peter, who died in the year 666, after having held the patriarchate for upwards of twelve years in spite of the papal thunders. It is true that the vith general council, with the concurrence of Rome, struck out the names of all these persons from the list of patriarchs (A.D. 681); but always in the respectable company of Pope Honorius I. Conf. Book V. c. i. pp. 419-441.

[b] Conf. Book II. c. iv. pp. 368-373.

vities, contempts, and blasphemies *against the ordinances of God himself, against the prerogative of the church and see of Rome,* and the liberties of the church-catholic, that we charitably leave room for doubt whether these be indeed your words, and whether they may not have been foisted in, or at least suggested by others. . . . . But if we were indeed to set down this slanderous disparagement of the blessed Peter, *yea of that God himself* (!) whose ordinances you set at naught, to your own account, the least we can say is, that you have strangely misapprehended the acts of synods, the laws of the emperors, and the records of faithful historians, whom you ignorantly quote in support of your ineptitudes. . . . . We pray the Lord to enlighten your darkened spirit; to grant you a full *knowledge of himself;* . . . that he may instruct you in the nature, number, and quality of *the privileges* of the holy Roman church, from *whom* they proceed, and upon *whose* authority they are established. Apply but to us, and we will teach you as ministers of Christ and dispensers of his mysteries; but if you despise our instructions, and persist in lifting your single hand against the privileges of the Roman church, *have a care lest they be turned against you!* For it is difficult to swim against the stream; it is hard for you to kick against the pricks."

The emperor a blasphemer of God and His church.

Enlarging, in swelling phrase and with unbounded confidence, upon those privileges, their eternal and unchangeable character, their divine origin, their absolute independence of all human or even ecclesiastical ordinance, and developing the mythic pedigree of the chair of Peter with a dogmatic terseness hardly paralleled in the writings of any of his predecessors, the pope exposes the blasphemous insolence of Michael's demands on the godlike representative of that sacred institute: "And to *us*," exclaims the pontiff,—"to *us* it is that you address your 'commands' to deliver up to you Theognostus and other monks, whom your cruelty has driven for shelter under our protection, and that of the blessed Peter. True it is, these refugees are many; thousands are daily flocking to this holy city

Nicolas asserts the right of asylum.

for the benefit of his intercession. Yea, these thousands are the vessel let down from heaven, in which were shown to the apostle all manner of living creatures, and all placed at his disposal; signifying thereby the catholic church (!): the vessel is the city of Rome, which the apostle glorified by his earthly presence, and where his blessed body is still venerated; the animals contained in the vessel are all the nations of mankind, which, therefore, the Roman church encompasses and comprehends within herself, *she being in herself the universal church*, the mirror and model of that which she embraceth within her bosom. Moreover this vessel was shown to Peter *alone*, and he *alone* was commanded to kill and eat; as in like manner, after the resurrection, he *alone* of all the apostles received the divine command to draw to the shore the net full of great fishes.[c] And if unto us be committed that identical commission,—which is verily and indeed so committed,—to embrace in our paternal arms the whole flock of Christ, is it to be believed that we should surrender to you any one of those sheep whom he hath given into our charge—men who have despised your honours and dignities, and incurred your anger and persecution? We protest before Almighty God that we would not do the like by the traitor Judas himself. Besides, these persons are here by our authority; *we having power to summon to our presence all orders of clergy from every diocese and province on the face of the earth*, when the need of the church requires their attendance. Such is our prerogative, such our duty; and you have no power to prevent the performance.

Rome the asylum of the universe.

"But you threaten us, our church and city, with your vengeance. Remember how the impious Sennacherib threatened heavier things than these, and bethink you of the fate that befell him. . . But we, like pious Hezekiah, trust in the Lord for our protection, and will, by his help, proceed at all perils to

Menace and taunts.

[c] *John* xxi. 5-11. Peter drew the net to land; but the merit of catching the fish seems to have been pretty equally divided. But *this* was enough for the purpose of Pope Nicolas, though it involved a very coarse misstatement. It does not appear from the text that Peter, any more than any of the other apostles present, *received the Saviour's command* to draw the net to land.

drive out the priests of Baal from his temple. Therefore let not worms and dust belch forth threatenings against us: for it is written, 'Why doth earth and ashes rise up so proudly?'—'Let not the earthen vessel puff itself out on the waters: for behold, a little while and it is no more! Why doth *he* glory who is mighty only to do evil? What shall be done unto him; and shall he not be slain? He that goeth about to kill, shall he not be himself killed?' Revenge?—if you desire revenge, take it upon the enemies of your empire, who encompass you on every side, instead of assailing your friends, after the example of the Jews, when they released Barabbas and crucified the Lord of life."

Commands Michael to send the litigants to Rome.

Then, in a strain of irritating taunt, the pontiff reproached the emperor with cowardly supineness in the defence of the empire against external enemies; and in his turn threatened him with all the calamities which are supposed to fall upon the enemies of God. He commanded him without delay to send Ignatius and Gregory of Syracuse, with their friends and their accusers, to Rome, to abide his decision. He named the persons in whom alone he professed to have confidence,—all of whom turned out to be the devoted enemies of Photius or the warm friends of Ignatius: with these he could confer; and unless they were sent there were none upon whom he could rely for the discovery of the truth.[d] In terms of glowing exaggeration he pictured to the emperor the profound reverence and obsequious devotion his *pious* predecessors had at all times testified to the mandates of the holy see; he exhorted him to be no longer numbered among the refractory sons of the church, but to give all obedience to the commands thus conveyed to him from the chair of Peter. He pronounced a solemn curse upon any one who might suppress or alter any portion of that epistle; and imperiously required that every scrap of writing issued by the emperor, or others

Exhorts the emperor to obey;

[d] The persons named were Anthony of Cyzicus, Basil of Thessalonica, Constantine of Larissa, Theodore of Syracuse, Metrophanes of Smyrna, Paul of Heracleia, Nicetas prior of Chrysopolis, Nicolas abbot of the Studites, Dositheus of Cnidium, and the monk Lazarus,—all partisans of Ignatius.

to burn all obnoxious writings, &c.

in his name, that might be offensive to the holy see be publicly committed to the flames. . . . . Otherwise, he declared, he would soon make it apparent what dire vengeance the apostolic see could take upon the fabricators of lies and the inventors of false doctrine. . . . "Take pains, therefore," he continued, "to clear yourself of all participation in this most filthy libel, which hath come into our hands under your name and sanction. Say that you had no share in it, and in token thereof cause it to be burnt before the eyes of all men; or, if the fact be so, say that it was surreptitiously gotten from you, that you signed it in the hurry of public business, that it did not contain your sentiments; and give us assurance that the author of it (Photius) shall not go unpunished, as well as that every copy of it has been committed to the flames. But if you resist or delay, we declare that we will, with the aid of our council, bind in the chain of anathema all who dictated, composed, or sanctioned the detestable blasphemies aforesaid, and will expel them from all Christian communion, until there shall not be a single principal or accomplice to the said libel left unpunished, or a single copy of it unconsumed. We will, moreover, consign to eternal perdition not only this precious epistle, but all writings against our brother and fellow-bishop Ignatius, as also all others directed against us in the course of this cause. After that we shall propose to our brethren in council that your wicked epistle be tied to a stake in the sight of all men; that a great fire be lighted under it, and that it be, to your utter shame and confusion, publicly, and before the eyes of all the nations that throng to the sanctuary of the apostle Peter, burned and consigned to the deepest damnation."

especially his own letter.

As a literary production, this document neither rises above nor falls below the attainments of the age to which it belongs; nor need we measure its merits by a standard which would sink it at least to the level of the defamatory libel it was intended to rebuke. But the doctrines it inculcates in relation to the pontifical powers require more attentive

Character, scope, and design of the letter.

consideration. The impress of the Isidorian forgeries is conspicuous throughout, more especially in the sedulous merging of the personal in the sacerdotal character of the priesthood. There is hardly a more striking feature in those decretals—in conformity, it may be admitted, with more ancient practice—than the effort to shelter the clergy against the apprehended loss of influence arising from their personal vices under the broadest and most exaggerated portrait of the sanctity of their office. Pope Nicolas stretched this irresponsibility to the utmost in favour of his chair; and therefore took care to transfer the personal affront he had to complain of from his private account to that of the see of Peter. The vanity of the Byzantine court had never yet acknowledged the temporal independence of the papal states, nor ceased to regard the bishop of Rome as a subject of the empire. The emperor had, it seems, revived this almost obsolete relation; and the pope was driven to encounter the pretension by pushing the privileges of the holy see as far as possible beyond the limits of human responsibility or control; and while disingenuously softening down the tone of official arrogance by unbounded professions of personal humility, at every turn sinking the personal in the official character. But this artifice was requisite to give full scope to the plenitude of invective, the concentrated bitterness of taunt and sarcasm, and the unmeasured insolence of denunciation, in which he thought proper to indulge. The papal letter to the emperor was to be regarded and treated in all respects as a *public document;* it was to be read before the assembled court and church of Constantinople; and, with a view to strengthen the effect, other missives were despatched by a special envoy to the bishops, clergy, and senate of the metropolis, to the Princesses Theodora and Eudoxia, to Photius himself, to Ignatius and the Cæsar Bardas, enclosing copies of the defamatory address of the pope, with a view to embitter the public mind against Photius and the court party. In these letters the patriarch and his patrons were treated as malefactors under sentence of the law—as self-condemned outcasts, whose escape from

temporal and eternal perdition depended upon immediate contrition and submission. Bardas was reproached as a primary agent of the treasons perpetrated against the authority of St. Peter's chair; and the highest privileges granted to the ambassadors of sovereign states were claimed on behalf of the legates of the holy see.[e]

The papal envoys repulsed from the frontiers of the empire.

But this well-conceived plan of operations was overthrown by the caution of Photius and the court. Scarcely a faint echo of the papal thunders was permitted to reach the eastern metropolis. The bearers of this load of pontifical mischief were informed that they would not be allowed to approach the capital, or even to step across the borders of the empire. All the ordinary routes were carefully closed and guarded; and they were compelled to seek an entrance through the kingdom of Bulgaria, where at that moment the papal influence was in the ascendant. But this movement had been foreseen and provided against; and the legates found the northern frontier equally well watched and guarded. Rudely repulsed by the imperial officers, the legates made no further effort to introduce the mass of sedition and treason intrusted to them, and made the best of their way home to report their mishap to their master.

Results of the policy of Pope Nicolas.

At the close of the pontificate of Nicolas I. (A.D. 867), the prospects of the papacy in the East bore no very promising aspect. But the gains of a power founded upon religious prepossessions are not to be estimated by the ordinary standard of victory or defeat in this or that particular controversy; they should rather be valued by the use made of the opportunities afforded of occupying strong ground in the religious mind,—for driving back the current of adverse opinion,—for narrowing the field of action and suppress-

[e] All these letters may be read in ample abstract, ap. *Baron.* ann. 866, §§ 12-17. As often happened, the Empress Theodora was at the head of the court opposition to the emperor. Nicolas did not fail to avail himself of the opportunity to commend that princess for her pious resistance to the backslidings of her husband, and her presumed resolution to educate her son in principles of obedience to the holy see.

ing or eluding contradiction. In all these respects Pope Nicolas I. had gained some advantage. The prevalence of religious faction in the Greek church had stood his friend; it had driven the weaker party into the arms of Rome, and had often pushed on the stronger some way in the same direction. Ignatius and his friends had appealed to the pope *as their judge*. Photius had, on his part, stooped to apology; he had acknowledged a consultative voice, a moral and religious deference to the pontifical dignity; he had expressed the anxiety of a suitor for a favourable consideration of his case, and his readiness to comply in all practicable respects; he had suffered himself to be addressed as a layman and an intruder without repelling the insult; he had submitted to wear the garb of a client in the anteroom of his patron, waiting for his permission before presuming to assert his right.

Basis of his demands.

These were, as far as they went, real advantages; but they fell too far short of the ground he desired to occupy to go for much in the estimate of Pope Nicolas I. No humility of profession, no deferential homage, could satisfy the terms of the problem stereotyped in the mind of the papacy. Nothing could be further from his intention than to rest contented with a mere moral or consultative right of interposition in the affairs of the universal church. He deduced his right, not from spontaneous reference,—not from the respect and reverence due to the rank and dignity of his see,—not even from his apostolical mission as first bishop of Christendom; but from a grant antecedent to and overriding all earthly recognition,—from the direct appointment of God himself, constituting him the universal irresponsible judge and arbiter of all persons and bodies, in all questions and causes between all parties in the church.[f] The contrast his language so studiously exhibited between the transcendental character of the office and the feebleness of the vessel in which it was lodged, might indeed produce an advantageous effect of moral light and shade: but in no practical view of

[f] See particularly §§ 10, 11, in the letter to Photius, ap. *Baron.* ann. 862, p. 560.

human motives can we suppose this self-humiliation to proceed from any deeper sense of personal humility, when we consider the boundless exultation of the priest in his high and godlike office,—in the effulgent light which streamed from the countenance of the vicar of God upon earth; softened down though it be, and skilfully distributed over the whole picture, by the humblest strain of self-depreciation,—by that depressing sense of responsibility which seemed to take from the man what it yielded to the office.

Papal tactics.

As a course of worldly policy, we think there was not much to find fault with in the dealings of Nicolas I. with the court and church of Constantinople. There was, in fact, every motive to call forth—scarcely any to restrain—the broadest assertion of papal prerogative. His correspondence with the princes of the West, bold as it was, was repressed by a sense of the temporal involvements of the holy see with its secular patrons and protectors. In the East the field was free for the largest and broadest display of pretension. The pontiff was fully aware that the weaker party must purchase his support by their assent to his most extravagant demands upon their credulity; while, in the actual state of affairs, the stronger could do him little harm by their contradiction. Photius himself laboured under an irksome sense of the difficulties arising out of the existing relations between the Greek and Latin churches; though for the present the balance of parties suggested no definite plan for eluding them. Photius, however, combined in himself all the astuteness of the Byzantine courtier with much of the bold spirit of the Latin hierarch; and he resolved now to take the offensive in the war with his Western rival. The first step in the advance was a bold revival of the ancient claim of equality with Rome on behalf of the see of Constantinople; the next, a charge of false doctrine and heresy against the Latin church in general. This plan of attack was at once the boldest and the safest. Upon the banner of Pope Nicolas he had clearly read "surrender or death;" subjection or extinction must, he saw, be the fate of all

Photian tactics.

independent church-government, if the decretal scheme of Rome were allowed to supersede church-legislation, customary privilege, and acquired rights. By the maintenance of the equality of his see, Photius placed himself upon a *canonical* basis; he appeared in the field as the defender of the immemorial prerogative of the church-universal against the Petrine innovations, and secured an amount of sympathy in the Eastern churches which never wholly failed him.

He brings a charge of heresy against the Latins.

Bulgaria was the arena chosen for the opening of the spiritual warfare. The Latin missionaries had prevailed upon the king of that country to expel all the Greek priests, and to take his religious instruction and the ritual of his churches wholly from Rome.[g] They accordingly introduced the minutest conformity with the Latin discipline and ritual, and abolished every vestige of the earlier Greek forms. This intimate sympathy with his formidable neighbours alarmed the emperor; the successes of Rome mortified the vanity of the Greek church; and thus a numerous and zealous party arrayed itself under the banner of their patriarch, while, for the time at least, his adversaries were reduced to inactivity or silence. Pursuing his advantage, Photius procured from the Emperor Michael a mandate for the convocation of a general council for the purpose of inquiring into the state of affairs in Bulgaria. He addressed letters to the Oriental churches, in which he laid claim, on behalf of the church of Constantinople, to the same purity of faith, and the same general superintending authority in the East, as that which the Roman pontiff enjoyed in the West. The Bulgarians, who, he said, were originally converted and baptised by Greek missionaries, had been of late turned away from the orthodox faith by certain evil-minded intruders from the West. These persons had impiously introduced heretical practices: they had inculcated fasting on the Saturday; they had allowed the use of milk and eggs in the rigid fast of the first week in Lent, thereby cutting off a whole week from that holy season; they had prohibited legiti-

[g] *Anastas.* in Vit. Nicol. I., ap. *Murat.* Ss. Rr. Ital. tom. iii. p. 260.

mate marriage to the priesthood, thereby introducing into the new church all the scandals *notoriously resulting from the same evil practice in the West;* they had denied the efficacy of the holy chrism[h] as administered by a priest, and had affirmed that it could only be conferred by the hand of a bishop; they had added to the Creed words unauthorised by any council, affirming the procession of the Holy Ghost from the Father *and the Son*,—an unheard-of innovation, a gross impiety, from which, until he had purged the church, he declared that "his eyes should never know sleep, neither should slumber overshadow his eyelids."

He convokes a general council.

Upon the third and fifth articles of his charge against the Latins Photius put forth all his strength. He stigmatised the "forbidding to marry" as a heresy derogatory to that holy ordinance as instituted by the Saviour himself. The false doctrine of the procession of the Holy Ghost he declared to be the worst of impieties; and he exhorted all patriarchs and bishops of the East to hasten to the council, and help him in tearing up by the roots these unutterable pravities, that they might not be permitted to poison the fountain of truth in the hearts of the newly converted and baptised Christians.[i]

Photius takes advantage of the difficulties of Nicolas.

Photius at the same time apprised the king of the Bulgarians of the heretical tenets and practices of the Latins, and informed him that the papal legates would not be permitted to pass the frontier of Bulgaria without renouncing their errors, and recognising him (Photius) as œcumenical patriarch. Bogaris transmitted these letters to the pontiff, who was not at the moment upon the best terms with the Western hierarchy. His adversary had, in fact, heard of the disaffected state of the great churches of Ravenna and Aquileia; and had acquainted the bishops of the East with the complaints which had reached him from the Italian prelates of the despotism of the pontiffs

[h] In the rite of confirmation.

[i] *Baron.* ann. 863, §§ 34-44: conf. *Fleury*, tom. xi. pp. 148-152. The date in Baronius is obviously an error, the document ought to have been inserted under the date of 866.

of Rome, imploring him not to abandon them to their oppressor, "who had trodden all ecclesiastical law under foot."[j] The Gallic churches, under the lead of Archbishop Hincmar of Rheims, had only the year before reluctantly yielded to an act of power subversive of all independent action or inherited privilege in their church;[k] and Nicolas had reason to apprehend that such successes would not go far to settle a principle, or establish a firm basis of greater docility for the future.

Papal appeal to the Western churches against Photius.

It was therefore necessary to feel the pulse of the Western churches before he committed himself to open warfare with his formidable adversary. On the 23d October 867, only twenty-one days before his death, Nicolas called upon all the prelates of France and Germany to give him the support of their united voices in the task of encountering the "detestable calumnies which Photius and his patron the emperor had vomited forth against the holy see and the churches of the West."[l] The Greeks, he said, had charged him and the whole Latin church with *heresy*;[m] and, to fill the measure of his insolence to overflowing, *he had demanded a confession of faith from the legates of the holy see* specifically condemning the supposed heresies. It would, he added, be an easy matter to blow them away like dust or cobwebs, if it were possible to show example or precedent for calling upon the holy see to give an account of its faith *to any earthly judge:* so audacious a demand he found to be based upon the prepos-

[j] He enclosed copies of these letters to the patriarchs and bishops in the summonses to the council. *Baron.* ubi sup.

[k] To the reinstatement of Rothald of Soissons; see ch. ii. p. 267 of this Book.

[l] But scarcely a month after this call was sent out, one of those sudden revolutions to which Rome had been so frequently indebted for her triumphs had settled the dispute pretty much in her favour. The Emperor Michael, surnamed "the Sot," had been assassinated by his associate Basil the Macedonian. Yet so completely had all communication between Rome and Constantinople been cut off, that the pope had at the date of these letters received no intelligence of the proceedings of Photius and his synod, so soon to be followed by the downfall of his adversary, had he lived to hear the tidings.

[m] The pope, in his letter to Hincmar and the Gallic churches on the subject of the heresies imputed by Photius, mentions three articles of charge in addition to the five already enumerated, viz. 1. The custom of offering a lamb on the altar at Easter, after the manner of the Jews; 2. That the Latin priests did not scruple to shave their beards; 3. That they were in the habit of ordaining deacons to be bishops without passing through the order of priesthood.

terous allegation, that when the Roman emperors transferred their residence to Constantinople, the primacy of the Roman city, and her bishop, migrated with them to the new capital, so that the privilege of the church was made to wait upon the prerogative of the sovereign; and this was the right upon which the usurper Photius now had taken the title of "archbishop and œcumenical patriarch."

Character of the appeal.

No one of his predecessors had, in fact, taken so precise a view of the ground upon which the battle with Rome must be fought as the patriarch Photius. He had directed his assaults against the most vital points in her position. The claim of equality neutralised her universality; the demand of a confession of faith impugned her self-imputed irresponsibility; the charge of heresy encountered her pretensions to impeccability, and divested her of the character of universal judge of religious orthodoxy; and, by interweaving the interests of his see with the honour and the pride of the political state, he had aimed a dangerous blow at that spiritual ascendency, that absolute independence of secular connection or control, which lay at the foundation of the pontifical scheme. All this Pope Nicolas I. discerned and felt; and to these points it was that he especially directed the attention of the Western prelates. But in making this demand upon them, he cautiously guarded himself against any misconstruction of the object in view. He took care to inform them that this expression of their concurrent opinion was desired with no other design than to prevent the deceptive arts of Photius from leading others astray. There might, he thought, be danger to be apprehended even in Italy; in the East the churches labouring under the Arab yoke might, in the hope of relief, lend too ready an ear to his blasphemies: for these reasons it was desirable to make their rebuke of the delirious ravings of the arch heretic and his patron as clear as sunshine to all the world, in order that, when their enemies should see their unanimity, they might despair of making any further impression, and their friends be encouraged to hold out stedfastly against the iniquitous calumnies in question.

Photius, meanwhile, had assembled his council at Constantinople. The session was opened by the two emperors in person. The three patriarchal sees of Antioch, Alexandria, and Jerusalem, were represented by their own legates; and the senate, with all the bishops of the diocese of Constantinople, were in attendance. The various heresies imputed to Pope Nicolas were rehearsed and proved to the satisfaction of the synod; and the bishop of Rome was condemned, excommunicated, and deposed, together with all who should hold the like doctrines or support him in maintaining and defending them.[n] The patriarch sent copies of the acts of the council to the Emperor Louis II. and his queen Engelberga, as well as to the Frankish kings, with many flattering compliments; entreating them, in conclusion, to drive Nicolas out of Rome, in obedience to the adjudication and sentence of the late general council of Constantinople.[o] Photian synod of 867.

By this last step the differences between the Eastern and Western churches were placed upon a tangible ground of doctrinal variance; and the defensive schism he contemplated might have assumed a permanent character, if Photius could have secured that strong political position which the Roman pontiffs had so successfully achieved for themselves. The radical weakness of his cause lay in the dependence of his ecclesiastical status upon the support of the government. Thus, not many days after the dissolution of the synod which was to have avenged him of all his enemies, he himself became a prisoner in their hands. Basil the Reaction, and downfall of Photius.

[n] The acts of the council were signed by the two emperors, the patriarch, the three ostensible legates, twenty-one bishops, and a long list of abbots and clergy. All these signatures, however, are maintained by the Latins to be forgeries. But the subsequent conduct of the subscribers, or most of them, made it highly convenient to disavow their handwriting; and the Latins, or their friends, deprived themselves of the means of proving their impeachment by the indiscriminate destruction of all the documents in question when they fell into their hands; a proceeding which, while it deprived Photius of the means of defence, at the same time divested their charge of all credibility, inasmuch as, if there had been forgery, they would have preserved the acts as the best proofs of the truth of the allegation.

[o] See the accounts of *Nicetas*, ap. *Baron.* ann. 867, §§ 84-86. Other authorities are collected by *Pagi*, ibid. §§ 11-13. All these accounts are so wofully disfigured by exaggeration, passion, and manifest untruth, that few of the facts can be relied upon with any degree of confidence. Conf. *Fleury*, tom. xi. pp. 147, 148.

Macedonian, whom the insane debauchee Michael III. had introduced into the palace,—in the first instance as the minister of his pleasures, and afterwards as the partner of his throne,—had put his benefactor to death; and, in the hurry of his irregular accession, had taken all the opponents of his late colleague to his bosom. Photius was deposed, and Ignatius was restored to the patriarchal chair.[p] A council was called; Photius was arrested; his archives were ransacked for every scrap of writing connected with the late synod; all that had been done, said, or written against Ignatius and the pope was pronounced to be a mass of perjury, forgery, and falsehood; and the acts and minutes were consigned to the flames in the presence of the emperor, the senate, and many other persons, who but a few days before had signed, approved, and published them.

The emperor and patriarch at the feet of the pope.

But amends were now to be made to the pope for the late tergiversations. The emperor placed the settlement of the ecclesiastical affairs of the empire in the hands of the pontiff. Ignatius professed himself ready, with all due deference, to accept the instructions of the pope as the vicar of the blessed Peter, the universal physician of souls; and he entreated the aid of the holy see to help him through the embarrassments under which he and his church still laboured, from the machinations of his enemies and the vicious character of the orders conferred by the schismatics. He admitted that a large number (perhaps the majority) of the clergy derived their orders from Photius and his bishops: a minority had, indeed, faithfully adhered to the Catholic cause; but others had openly supported the intruder, some as mere time-servers, some from compulsion. How was he to deal with this mass of confusion and corruption? To Rome alone could he look for the remedy. Legates should therefore be sent to

[p] Zonaras informs us that Basil did not intend to depose Photius, but that the latter refused him the communion as a murderer. But Baronius observes in reply, that Zonaras was a schismatic, and wished his readers to infer that there was some other reason for the deposition of Photius than the sentence of the holy see, which nevertheless, the zealous cardinal assures us, was the efficient cause of his disgrace. *Baron.* ann. 867, § 101.

Constantinople without delay, furnished with proper instructions to put an end to all these difficulties and disorders.[q]

These letters were dated only two days before the death of Nicolas I., and were therefore received by his successor Hadrian II. A deputation from the Ignatian party accompanied the imperial envoy, and were admitted to audience of the new pope in the church of Sta. Maria Maggiore. They placed at his feet a sealed bag, purporting to contain all the acts and documents found in possession of Photius relating to the prosecution of Ignatius, and the blasphemous outrages perpetrated by him against the holy pope Nicolas. The envoys and their message and bag were most graciously received, and informed that, though Photius had already been twice before damned, the pontiff had no objection to repeat the ceremony, if they wished it. In a paroxysm of holy zeal, the envoy, John of Cæsarea, seized upon the bag; he apostrophised it in no very courtly terms,[r] and stamped upon it with orthodox vigour. The protospatharius Basil declared his conviction that the devil himself dwelt in the bag; and he cut and hacked it gallantly with his sword, stoutly affirming that the emperor's signature was a forgery, and that the sign-manual of Michael III. was obtained while in a state of unconscious inebriety. In like manner, all the other signatures of men of note were pronounced to be counterfeits, and the pretended subscribers as ignorant of the things there stated as they were of the existence of the documents themselves.

Oriental legation, and audience.

The bag.

After cautiously examining the contents of the bag, Pope Hadrian II. again produced it in solemn assembly at the church of St. Peter, where it was unanimously condemned to the flames; after which it was irreverently kicked out of the church, and burnt

Burning of the bag,

[q] See the letters from the emperor and the patriarch, ap. *Baron.* ann. 867, §§ 102 et sqq.: conf. *Fleury*, tom. xi. pp. 209 et sqq.

[r] "Accursed be thou (bag); as at Constantinople, so here at Rome, be thou (bag) accursed! Concocted wast thou (O bag) by that minister of Satan Photius! And thee (O bag) hath the minister of Christ Nicolas, that second Peter, crushed and quashed by the anathema!"

upon the steps outside.[s] The holy synod then proceeded to condemn the pretended council of Constantinople. The pope signified his approval of the sentence, and instructed the secretary of the synod to put upon record that "*the pope of Rome is the only lawful judge of all bishops, himself to be judged of no man;*" so that, though it might have theretofore occurred that a pontiff of the holy see (Honorius I.) had been condemned by a general council,—it had been for cause of heresy,—yet could he not, even in that case, have been lawfully censured, if the previous assent of the holy see had not been obtained.[t]

and condemnation of Photius and his synod.

The Emperor Basil and the repentant schismatics were readmitted to communion upon giving in their subscriptions to the condemnation of Photius, and engaging to burn all the acts of the Photian synod in their possession; the absolution to become void if any one of them should retain a copy of those blasphemous documents without declaring the fact or destroying the writings in question.[u]

Papal project of a general council against the Photians.

But the Roman pontiffs, in their dealings with the versatile Greeks, appear to have always laboured under a painful sense of the illusory character of the successes obtained. They had taxed their ingenuity to the utmost to devise reliable securities for the future submission of the Orientals, such at least as might bring them definitively within the Latin pale. The pledges hitherto taken—in the shape of libelli, confessions of faith, verbal and written engagements, subscriptions, &c.—had been disregarded or forgotten almost as thoughtlessly as they had been given. The Greeks paid their debts to Rome in the current coin of the realm—fulsome flatteries and mock submissions;

[s] The stench it made, we are assured, was truly diabolical—it was a choking sulphurous fume; and to add to this miraculous disclosure of the true authorship, a heavy shower of rain, which happened to fall at the time, instead of quenching, only added to the fierceness of the flames! *Anastas.* Vit. Had. II., ap. *Murat.* iii. p. 264.

[t] It is difficult to say what brought up the case of Honorius. The statement, however, of Hadrian II. is totally false. (See Book V. c. i. pp. 437 et sqq. of this work.) The legates of Pope Agatho had no instructions at all on the subject of the heresy of his predecessor; and they did their best to keep his name out of view. How far the ratification of a conciliar sentence against a pope by a subsequent pope could purge the original defect of jurisdiction, was a question which had not yet been raised by the Roman casuists.

[u] *Baron.* ann. 868, §§ 40-44.

to which they attached so little meaning, that they were often surprised to perceive that others looked for any deeper sense in their words than they themselves meant to attach to them. But Hadrian II. had no better material to work upon; and he now proposed the convocation of a general council of the church, to be presided over by his own legates, and of which every member should qualify himself by subscribing a "libellus," or confession of faith, explicitly acknowledging the Petrine supremacy, in a form so stringent and severely defined as to amount to an absolute renunciation of all spontaneous action or independent church-membership. A further object of the proposed synod was the reconciliation of the Photian clergy, as far as it might suit the ulterior views of the holy see. Lastly, the assembled fathers were to busy themselves by every means in their power to collect and destroy every scrap of memorial, record, or writing, that could perpetuate the memory of the late Photian conventicles, and to call down the severest temporal penalties upon all who might retain or withhold them; more especially to procure the subscriptions of all orders of clergy and laity to the decrees of the holy see in the cause of the heresiarch Photius.[v]

"Libellus" of Pope Hadrian II.

No objection was offered on the part of the Emperor Basil to the course proposed by the pope; and the council was summoned to assemble at Constantinople in the month of October 869. The legates of Hadrian II. arrived shortly before that time, and were admitted to a solemn audience, at which the sovereign, in token of reverence, received them standing; he kissed and pressed the papal letters to his bosom, and dismissed them with many professions of reverence and affection. On the following morning, Basil intimated to the legates that, the council being now assembled, the work of reconciliation should not be delayed; and that, with that view, it would be necessary at once to restore the holy father Ignatius to the chair of Constantinople. The legates replied, that they could not

Council of Constantinople, A.D. 869.

[v] *Baron.* ann. 869, §§ 3-10.

consider the council as duly constituted until every member had subscribed a certain libellus, or declaration of conformity, with which they were intrusted. The emperor rejoined, that such a demand was a departure from the usual forms; and that it could not be complied with until the contents of the instrument should be made known. It was accordingly translated, and published for general information.[w]

Opening of the council.

The council assembled *pro formâ* in the church of St. Sophia, on the 5th of October 869, in the presence of not more than eighteen persons. The three legates of the pope took the precedence; next them sat the patriarch Ignatius, followed in succession by two legates presenting themselves as the representatives of the patriarchs of Antioch and Jerusalem. Certain great officers of state presided as moderators on behalf of the emperor. The papal commissioners then

Reading of the "libellus."

proceeded to read their instructions, dwelling more especially upon the "libellus," the terms of which appear to have created some surprise. The first clause was declaratory of the primacy of the Petrine see in the usual form:[x] the next paragraph pledges the subscriber to the condemnation of all heretics, more especially Photius, "who, in *contempt of the sacred ordinances of the Roman pontiffs*, had feloniously obtruded himself into the see of Constantinople:" the third clause signified an implicit adoption of the curses denounced by Nicolas I. against Photius, Gregory of Syracuse, and their followers—"parricides and murderers, who had dared to wag their blasphemous tongues against their spiritual father:" the fourth conveyed a vehement anathema against "those synagogues of Satan, those dens of robbers, those conventicles of blood and blasphemy, those workshops of lies and forgeries and heresies," the synods assembled by Photius under the Emperor Michael, more especially the last of these assemblies, which impugned the *principality of the holy see:* the fifth approved of and adopted all that had been resolved by the holy see in favour of Ignatius: the

[w] *Anastas.* Vit. Had. II., ap. *Murat.* tom. iii. p. 265: conf. *Baron.* ann. 869, §§ 11-13.

[x] "Tu es Petrus," &c.

last clause rested all these engagements, and every other duty of the subscriber, upon the ordinances of the holy see, "he well knowing that by obedience to the decrees of that holy see in all things he could alone hope to attain to the *one holy communion which resides in that apostolic chair alone, in which also is the whole and sole fellowship of the true religion of Jesus Christ*;" he renounced the communion of all persons sequestered by the pope, and declared his voluntary execution and delivery of that, his deed of adhesion, into the hands of the legates Donatus, Stephen, and Marinus.[y]

Audiences, and resistance of the Photians.

In the first and second sessions, a good many bishops and a crowd of inferior clerks applied for reconciliation and admission, pouring out their curses upon the head of their late chief as glibly as, but two years before, they had heaped them upon the head of that adversary whom they now invoked as a beatified spirit. But the third session exhibited symptoms of resistance. Several metropolitans and bishops presented themselves, and were required to sign the libellus; but, upon their declining to take the pledge, were denied admission. Some sense of justice—perhaps simply a wish to save appearances—suggested the propriety of giving Photius an opportunity of bringing forward what he might have to say on his own behalf. The legates vehemently opposed any further defence in a case already adjudicated upon by the holy see. The imperial commissioners, however, insisted that the deposed patriarch should be brought before them, if it were only to examine him upon certain points that seemed to lie within his personal knowledge; and, in spite of all remonstrance, Photius was introduced to the synod as a prisoner under interrogation. Surrounded by enemies on all sides, he took refuge in contemptuous silence. This demeanour appears to have exasperated the legates almost to frenzy. After much questioning and a long

Photius before the synod.

[y] See the whole instrument, ap. *Baron.* ann. 869, §§ 19-21: conf. the Abstract, ap. *Fleury*, tom. xi. pp. 237, 238. The good Gallican, however, draws the sting of this ferocious document as well as he can.

interval of silence, the legates exclaimed, "Speak, we adjure thee. We have been told that you have a ready tongue; and verily silence shall not rescue you from condemnation." "Neither," retorted Photius, "did Jesus escape condemnation by *his* silence." All further attempt to ensnare or intimidate him was abandoned; and he was detained only to listen with indifference to a florid enumeration of offences extracted from the vituperative letters of Nicolas I.

Defence of the Photian bishops.

With all this, adhesions flowed in slowly and reluctantly. The libellus was unpopular. A few Photians recanted, subscribed, and were admitted to vote. The great majority of the party continued obdurate, and in spite of all opposition, were permitted to defend their recusancy. Zachary bishop of Chalcedon spoke in the name of his brethren. He passed rapidly over the history of papal interposition in the government of the Eastern churches: he contended that that interference had been only fraternal and permissive from the beginning; that it had often been ineffectual; and that the mandates of Rome had as frequently been resisted as complied with, particularly in the controversies arising out of the Henoticon of Zeno. He brought forward the cases of Acacius, Fravitta, Euphemius, and Macedonius,[z] in proof of the fact that, in contradiction to the papal rejection, these prelates had been received as legitimate patriarchs by the church of Constantinople. In like manner the Eastern churches had rejected others whom Rome had acknowledged, as in the case of Marcellus of Ancyra; and it was notorious that when Apiarius was taken under the protection of Rome, the Africans had admonished the pope not to meddle with matters that did not concern him.[a] Zachary further defended the ordination of Photius upon the grounds of custom and expediency. That he had been ordained by Gregory of Syracuse was, he said, no objection to his title, for that Gregory had never been canonically deposed, and even if it were so, that circumstance would

[z] Conf. Book III. cc. i. and ii. of this work.

[a] Conf. Book II. c. ii. pp. 307 et sqq. of this work.

not affect his antecedent ordinations; and he concluded by declaring that no consideration should induce him and his friends to subscribe the libellus, unless good and sufficient order and rule of canon-law could be pointed out to them for such a demand.

Recusancy and condemnation of the Photians.

The Photians had taken their stand upon tenable ground,—the substantial inconsistency, namely, between genuine canon-law and that customary or decretal practice on which the church of Rome now founded her prerogative. Zachary was—not very effectively—answered by Metrophanes of Smyrna; and all efforts of the court to bring the dissidents to submission proved unavailing. Photius and his friends were brought before the synod to hear their own condemnation. The patriarch appeared leaning upon a staff; the legate Marinus brutally struck it from his hand, alleging that a staff was the emblem of episcopal office. The imperial chamberlain Bahanes inquired, rather more civilly, whether he and his friends were disposed to sign the pope's libel. The question was replied to by a unanimous "God forbid!" "What," asked Zachary and Amphilochus, "is the libel we are required to sign? Is it our confession of faith?" They were informed that what they were to subscribe was a writing sent them from Rome, pledging them to renounce Photius and all his works, to curse Gregory of Syracuse, to submit to Ignatius, and in all things to obey and to execute the decrees of the Roman pontiff. John of Heracleia replied: "Let him who renounces yonder bishop (Photius) be himself accursed." Zachary added: "We will not obey where we are not legally bound to obey, especially knowing, as we do, how things are managed here." Euschemon of Cappadocia protested that to what was contrary both to law and reason he would not yield, whether the command proceeded from Rome or Jerusalem, yea even if an angel from heaven were the bearer. Bahanes politely urged, that surely law and reason must reside in a council in which five great patriarchs were represented. The bishops bluntly replied, that they preferred the authority of the apostles and the councils of the church.

Anathemas and paper-burnings.

From the sixth to the ninth session the synod amused itself by anathematising the Photians and their heresies, and burning their books and papers. The persons who had represented the three patriarchs in the Photian synods were brought forward and made to confess themselves impostors; and all the bishops present whose names appeared to any of the obnoxious acts vehemently denied their signatures, retracted all they were required to retract, and recorded their individual curses upon all whom the emperor and the legates called upon them to curse. After all, however, the number of the conforming bishops never exceeded one hundred and two, scarcely a fourth part of the entire number of the Eastern prelacy. It was notorious that the majority adhered faithfully to Photius; and yet we hear of no active step to dispossess any of this vast body of nonconformists.[b] But certain of the canons enacted by this synod were not without advantage to the spiritual prospects of Rome, if honestly interpreted and acted upon with good faith by the legislators. It was decreed that no layman or neophyte should be raised to the pastoral rank till after a ten years' probation in the inferior orders of the clericate: *all ordinations by the command, order, or* AUTHORITY OF THE EMPEROR, *and all lay interference in the election of a bishop, or in opposition to a canonical election, should be void:* the secular powers shall do no act to the prejudice of the patriarchal sees; *they shall not depose or suspend any patriarch*, nor do any other act derogatory of his honour or estate; more especially *they shall do nothing to affect the pontiff of Rome*, either in the way of censure or accusation: and lastly,

Canons of the council of 869.

[b] The papal advocates attempt to account for the paucity of attendance upon their "eighth general council" by ascribing it to the wholesale deposition of bishops by Photius, and the substitution of his nominees, who of course would not sit. But it may be asked, Had all the deposed bishops died within the eight years of the Photian usurpation; and would not these martyrs have been joyfully received had any of them presented themselves to the synod? Yet there is not an instance of any one of them claiming to sit on the ground of prior right except Ignatius himself. Neither is it conceivable that, if this allegation had been true, it should not have formed a more prominent article of charge against Photius than it appears to have done.

that should any occasion arise involving such questions, the matter shall be examined into with the utmost diffidence and circumspection.

At the concluding sitting, the Emperor Basil, contrary to all precedent, consented to sign the acts of the council *next after* the papal legates; and while every constituent member bound himself irrevocably by his signature, the papal commissioners were allowed to sign under protest and conditionally, subject to the pontifical approval; which approval, they assured the assembly, could alone impart to their acts any legal validity. At the close, the emperor exhorted the clergy in future to keep the peace, and to cease from embroiling the government in their religious disputes: he admonished the laity not to meddle with religious questions at all, but, if they had any difficulties, to resort to their legitimate pastors; "for," said he, "whatever may be their personal demerits, they are to be obeyed and followed as long as they do not swerve from the faith." Close of the sittings.

Thus far all things had proceeded smoothly enough in the direction marked out by Rome. As far as words and professions could effect her purposes, she had little to desire. The Emperor Basil had renounced all interposition in the nomination of the metropolitan patriarch: the churches of the East—as far as this assembly could be held to represent them—had given in an unequivocal acknowledgment of the papal supremacy: the signature of the libellus had pledged them to take their law from Rome; they had stooped to act in every instance as the passive instruments of Roman policy; freedom of discussion, fairness of inquiry, equitable judgment, were as remote from their thoughts as from those of the pontiff and his representatives. Yet it is tolerably clear throughout that the Emperor Basil cared for none of these things. The violent change attending his accession to the throne had driven him into the arms of the opponents of his worthless colleague; and the reparation made to the wronged and insulted Ignatius was necessary to the restoration of a Gains of Rome.

religious peace, essential to those reforms in the state which the removal of his weak and vicious patron had brought within his reach. The interposition of Rome was useful, if not indispensable, for that purpose; and Basil accepted it with an apparent frankness which left no room to doubt his sincerity.

Infirmities of the so-called general council of 869.

But though the emperor may have been in earnest, the transactions to which we shall presently have to advert show, we think, conclusively that no serious impression had been made on the Greek hierarchy in the aggregate by this apparently unqualified submission of a minority of one hundred and two members of their body. In the East this so-called eighth general council never possessed any authority; in the West it was known no otherwise than by floating rumour, or the report of Rome; its reputed *universality* rested solely upon the presumption that the *holy see represented potentially the whole of Latin Christendom*, in such wise as to dispense with the necessity of summons or previous notice to any member of that communion; and no doubt, in strict logical pursuance of the decretal scheme, the prerogative of representation must reduce the councils and synods of the church to be the simple instruments of papal government. As long as Rome should reserve to herself the power to dispense with such assemblies, or to exercise an unrestricted veto upon their proceedings, they could be regarded in no other light than as courts for registering her foregone decisions. This principle is very clearly indicated in the spirit, and almost in the letter, of the Isidorian forgeries.[c] And upon this platform the council of the year 869 was carefully settled. The principle of the theocratic primacy of the chair of Peter was asserted and adopted;[d] the right of indepen-

[c] Conf. Book VI. c. vii. pp. 187-191. The most prominent dicta of the decretalists bearing upon this point are perhaps the following: *Clem. I.* ep. i., ubi sup. pp. 91, 95, 96; *Anaclet.* ep. iii. § 3, ibid. p. 617; *Alexand. I.* ep. i., in Exord., ibid. p. 635; *Sexti II.* ep. ii. § 4, ibid. p. 998; *Marcelli I.* ep. i., ibid. p. 1262.

[d] See particularly the concluding clause of the libellus of *Had. II.*, p. 384 of this chapter.

dent deliberation or decision was implicitly renounced; the members consented to be in all respects the passive organs of the pontifical behests; and the temporal headship of the monarch was yielded up with the same facility as that which appeared in every other article of the papal demands.

CHAPTER VII.

THE PHOTIAN SCHISM (II.).

Caution of the legates to the council of 869—Complaint of the Greeks—Recalcitration of the Orientals—They vindicate their jurisdiction over Bulgaria—They fail to get back their "libelli"—Photius set at liberty—Pope John VIII. threatens Ignatius—Restoration of Photius—He makes approaches to Rome—Pope John VIII. negotiates with Photius—He convokes a general council—Public recognition of Photius—Alleged deceit and forgery of Photius—Equivocal conduct of the legates—The council rejects and abrogates the eighth general council of the Latins—The legates recognise Photius unconditionally, and anathematise the eighth general council—Latin explanation of the tergiversation of the legates—Insufficiency of the explanation—Relative position of the Greek and Latin churches at this period—Success of Photius—Comment of John VIII. upon the acts of his legates—Pope John revokes and reverses the acts of his legates—Offensive letter of the Emperor Basil—Reply of Pope Stephen V.—quotes false decretals and fabulous traditions—Stephen V. holds out an opening for negotiation—Tone of the correspondence; its character—Leo IV. emperor—Second deposition of Photius—Anti-Photians to Pope Stephen V.—The pope procrastinates—The Ignatians request the confirmation of the Photian orders—Confirmation refused by Pope Formosus—Prelude to the final schism between the Greek and Latin churches—Different combining principles of the Greek and Latin churches—Struggle of the Latins against conciliar legislation—Latin scheme most congenial with the sacerdotal spirit—Natural stability of the Latin scheme—Theoretical credit of the chair of Peter in the ninth century.

Caution of the legates to the council of 869.

THE legates who presided at the council of the year 869 entertained a strong suspicion of the hollowness of the ground upon which they stood. They reposed no confidence in the professions of the court or the hierarchy; they set little value upon public demonstrations, and directed their whole attention to the duty of placing the subscriptions to the papal "libellus" beyond the reach of both. This duty was intrusted to their secretary Anastasius: that officer jealously examined and verified the subscriptions, and collated his copies of the acts and decrees of the late synod with the originals, to enable the pope to detect

any interpolation or forgery that might be attempted by the Greeks; he then secretly quitted Constantinople, carrying with him the precious documents in safety to Rome.

That the legates had good ground for their suspicions appears from the fact that, a very short time after the close of the council, those very members who had been the most forward in expressions of devotion to the holy see had importuned the emperor and the patriarch to get back their subscriptions. "Is it well done," said they, "by yourselves or by us, to permit the church of Constantinople to fall under bondage to Rome,—to sit as a handmaiden at the foot of a mistress?"[a] Yet, they added, such must be her fate unless their libels were returned to them. They grounded their request upon the absence of reciprocity of engagement between the two churches: the Roman church had declined to bind herself; the legates had signed conditionally only, and had thus left the pope at liberty to repudiate all conditions, and to throw their church back into confusion whenever it might suit his purposes.[b] Complaint of the Greeks.

Other symptoms of wincing under the mortification of servitude were not slow in manifesting themselves. Only three days after the solemn deposition of the acts and decrees of the council in the archives of the metropolitan church, the legates were summoned to a council with the emperor upon the affairs of the Bulgarian church. At the audience, they were informed that the king of that country had peremptorily demanded to know to which of the two branches of the Christian communion he and his subjects were to reckon themselves; and whether in matters spiritual they were to consult the patriarch or pope. The legates, in great alarm, protested vehemently against any attempt to revive the question, or to meddle with the pontifical jurisdiction in Bulgaria. The Oriental members of the Recalcitration of the Orientals.

[a] *Anastas.* in viii. concil., ap. *Baron.* ann. 869.

[b] Among the rumours of the day, it was said that many of the subscribed libelli had actually been purloined from the custody of the legates; but that they had been restored through the intervention of the envoys of the Emperor Louis II, who were present at the council. *Baron.* ubi sup.

conference nevertheless pressed for an answer: the land of Bulgaria, they said, belonged to the empire, consequently the people to the church of the empire. The legates replied, that though Bulgaria might fall within the limits of the emperor's dominions, yet that the country was in fact identical with the ancient province of Dardania, itself a portion of the great diocese of Illyricum Orientale, consequently within the jurisdiction of the holy see; and for the proof of the fact they referred the meeting to the pontifical decrees and ordinances upon the subject. Ecclesiastical divisions and jurisdictions, they protested, were not to be governed by political considerations; in addition to which, the Bulgarians had spontaneously placed their church under the papal superintendence, and Rome had exercised that authority without disturbance, and in every possible form, for a period of three years. As the parties waxed warm, the debate degenerated into a passionate altercation. "The pontiff," said the legates, "hath not chosen you, who are his subordinates, to be judges in his affairs: he is himself the universal judge, and has reserved this matter to his own decision: any opinion of yours he will surely treat with the contempt its presumption and levity deserves." "And how can *you*," retorted the Greeks, "who, in contempt of the rights of the empire, have annexed yourselves to the dominion of the Franks, pretend to ordain bishops, or to have any jurisdiction at all, within the realms of our sovereign?" Upon this ground the meeting came to the decision that, as the country of the Bulgarians had always formed a part of the Oriental empire, and had been recently reclaimed from heathenism by Oriental priests, it ought of right to revert and be re-annexed to the diocese of the metropolitan church.[c]

They vindicate their jurisdiction over Bulgaria.

The utter insincerity of Greek professions flashed upon the minds of the legates, and drew from them an intemperate remonstrance against this flagrant breach of the allegiance they had so lately pledged to Rome under their own hands

[c] *Anastas.* Vit. Had. II., ap. *Murat.* iii. pp. 267, 268; *Baron.* ad ann. 869, pp. 185-189.

and seals: they adjured Ignatius by his honour and good faith not to meddle with the Bulgarian church; and reminded him that, if he had any objection or complaint to urge, it was his duty to lay it in due form before his mistress the holy Roman church, and patiently to abide by her decision. Ignatius coldly assured them that he entertained no desire to encroach upon the rights of the see of Rome, and dismissed the conference. The emperor delivered to the Bulgarian envoy an imperial rescript, informing him that, at a solemn congress of the prelates of the East, assembled to determine the question of spiritual jurisdiction between Hadrian pope of Rome and Ignatius the patriarch of Constantinople, the ecclesiastical superintendence over the Bulgarian churches had been assigned to the latter; and in the result that country became, and so continued for all time to come, quietly reunited to the Greek communion.[d]

They fail to get back their "libelli."

Many of the actors in the late transactions appear by this time to have become ashamed of the part they had been induced to play; others were alarmed at the consequences of that self-abandonment into which they had been betrayed by faction or ambition; and all were disgusted by the proud pretensions and haughty bearing of the papal legates. The Emperor Basil hastened to rid himself of persons from whose presence no further advantage could be gained: the legates were dismissed with little ceremony, and with so shabby an escort that they fell into the hands of certain Sclavonic sea-rovers, who robbed and detained them for the term of a month or six weeks. A suspicion was entertained that this detention was contrived at Constantinople, in the hope of recovering the papers which they were supposed still to have in their possession. In this hope, however, the instigators were disappointed; the documents having, some time before the return of the legates, found their way to Rome in the custody of Anastasius.[e]

[d] The Bulgarians, as soon as they received the imperial rescript, expelled the Latins and took back their Greek priests. The former imputed this revolution to bribery and corruption; Grimoald, the Latin bishop, they say, was paid to quit the field to the Greek interlopers. *Anastas.*, ap. *Murat.* iii. p. 268.

[e] *Anastas.*, ap. *Baron.* ann. 869, p. 189.

Photius set at liberty.

The Emperor Basil had given pledges enough of his desire to keep the peace with Rome; yet it could not escape his observation that another step in that direction would embroil him with his own prelates, and kindle a flame even more dangerous than that he had been at so great a cost to extinguish. Under the intolerable pressure of the papal claims, the two parties had approached each other; the attempted severance of Bulgaria, and the pontifical encroachments upon the metropolitan jurisdiction, were equally distasteful to both; Ignatius himself had declined to be the instrument of papal aggression on the prerogative of his church: and thus it came to pass that, not many months after the close of the council of 869, the symptoms of secession from Rome assumed so decided a character as to leave no room to hope for any cordial reunion of the two great branches of the Christian church. One of the most serious of these symptoms was the freedom enjoyed by Photius and his party in their retirement. The deposed patriarch was permitted to speak and to write with unbounded contempt of the late council and its decisions. The members, he said, were either impostors or fools; their proceedings were tainted throughout by falsehood and injustice; their demeanour surpassed that of the Jews in riot, of pagans in insolence, and of barbarians in fury and stupidity. Amid persecution and distress, he boasted, not one of the bishops whom he had ordained had forsaken him, or attempted to make a separate peace with his adversaries; of all the three hundred whom his adversaries had treated as ciphers, not one had deserted his standard, or ceased to protest against their oppressions and tyrannies.[f]

Pope John VIII. threatens Ignatius.

Amid all these broils, the Emperor Basil was still unwilling to abandon his pacific policy. Ignatius continued to govern the church of Constantinople for a period of nine years. In the interim, however, Photius was recalled to the

[f] The letters containing these invectives were addressed partly to private friends, and partly to the highest personages in the state,—the emperor, the patrician Bahanes, and the bishops of his party. See *Fleury*, tom. xi. pp. 367-369.

court, and restored to the favour of the emperor; and was permitted, even before the death of Ignatius, to manage ecclesiastical affairs pretty much at his pleasure.[g] Not desiring to throw himself into the arms of any party, and unwilling to relinquish the hope of engaging the pontiff of Rome in the support of religious peace within his dominions, Basil requested Pope John VIII. — who had succeeded Hadrian II. in the year 872—to coöperate with him for that purpose. In his reply to this application, the pontiff declared that any intercourse between himself and the church and court of Constantinople must be conditional upon a plenary restitution of all the rights of the holy see, more especially with reference to the Bulgarian question. The only ground upon which that see could interfere would be that upon which God himself had placed his church; for had He not spoken by the mouth of his prophet Jeremiah, "Behold I have this day set thee over the nations and over the kingdoms, to root out and to pull down, and to destroy and throw down, and to build and to plant"? Upon what authority had Ignatius interfered with the kingdom of Bulgaria? Did not that person know that he held his chair solely by the grace and favour of the holy see? Two monitions had already been addressed to him to evacuate that country, and deliver possession of the churches of the kingdom to the pontifical commissioners; and now, if within thirty days of this third warning he should still hesitate or delay, he must, from the expiration of that term, regard himself as excluded from the communion of the Body and Blood of Christ, and remain so excluded as long as he continued in contempt of the pontifical decree: if, however, he should finally persist in disobedience, and refuse to drive out the schismatic bishops and clergy from Bulgaria, then would he (the pontiff) depose him from that dignity, which, after all, he enjoyed solely by the special indulgence of the holy see.[h]

[g] The unaccountable favour of Photius is imputed by his adversaries to his adroit flattery of his imperial patron; by others it was unscrupulously attributed to diabolical agency. *Baron.* ann. 878, §§ 36-40,—from the life of Ignatius by Nicetas.

[h] *Johann. VIII.* ep. 80, *Baron.* ann.

Restoration of Photius.

The ignorant adherence of Pope John to the policy of his predecessor came opportunely to the assistance of the Photian party, and once more threw back the papal claims upon the chapter of accidents. The able and pacific prince who occupied the throne of the East was thus driven into the arms of the party most hostile to the pretensions of Rome; and Photius now took upon himself without disguise the government of the metropolitan church. From that moment the aged patriarch became a cipher; overborne by years and infirmities, insulted in his official capacities, and at variance with his patron the pope, he sank into the grave, and was saved the mortification of a second deposition and exile.[i] Photius forthwith stepped into his place, and found himself in a more favourable position than at any preceding period of his varied career. At this point of time, Pope John VIII., driven to extremity by domestic and foreign enemies, was no longer able to sustain the haughty tone he had so lately assumed. Every prospect of relief from the princes of the West had vanished,[j] and his hopes reverted for an instant to the powers of the East. Not to be wanting in ecclesiastical courtesy, the emperor had notified to the pope the death of Ignatius and the elevation of Photius to the metropolitan chair. Basil commended the restored patriarch to the papal favour; and Photius took occasion to transmit a letter under the hand of Ignatius himself, purporting to have been written shortly before his death, strongly supporting the pretensions of the former as his successor. Whether this letter was genuine, or—as his adversaries allege—one of the numberless forgeries foisted upon the world by the unscrupulous heretic, the pope for the present condescended to receive it, and

He makes approaches to Rome.

878, §§ 3-7. This is the first time we meet with this afterwards so celebrated quotation from the prophet Jeremiah as applicable to the papal supremacy. John VIII. wrote at the same time letters to the king of the Bulgarians and to the Greek bishops and clergy, on commanding the former to return to the bosom of the church which "had begotten him in Christ," and the latter to quit the country within thirty days or be excommunicated, &c. *Baron.* ubi sup. § 8. But king Bogaris, or Michael, was baptised *at Constantinople*, and took the latter name from his worthy sponsor the Emperor Michael the Sot.

[i] Ignatius died on the 23d Oct. 878. *Baron.* ad ann. § 42.

[j] See chap. v. p. 341 of this Book.

soon afterwards signified his intention to recognise Photius as patriarch, provided he should make public acknowledgment of his past offences, and renounce all jurisdiction over the newly-converted kingdom of Bulgaria.

Pope John VIII. negotiates with Photius.

It must have been indeed a great necessity which impelled a pope by no means deficient in moral courage to acknowledge as bishop one whom his holy predecessors Nicolas and Hadrian had definitively condemned and anathematised as a usurper, a blasphemer, a heretic. Such a recognition *on any terms* stood in flat contradiction to repeated official declarations of the holy see, and to the solemn decree of the eighth general council. The extreme reluctance of the pope was indeed but faintly disguised under the plea of necessity; and John VIII. accompanied his letters of recognition with express reservation of the whole prerogative of the holy see, proceeding in this instance, as on many former occasions, under a deliberate and independent view of public religious expediency.[k] In a shorter epistle, addressed to Photius himself, he sharply reprehended him for meddling with the functions of his predecessor during his lifetime, and for assuming the patriarchate without waiting for the papal license: yet these and all his former sins he promised to forgive, provided Photius should in full synod ask pardon for the past, and promise to restore Bulgaria to the holy see.[l]

He convokes a general council.

The receipt of these letters from Rome afforded the patriarch a welcome opportunity for displaying the whole strength of his adherents. It was stipulated by the pope that his letters should be published at a general synod of the Greek churches; and Photius took care that the meeting should present as strong a contrast as possible to that of 869. No fewer than three hundred and eighty-three bishops of his party were brought together; and though two-thirds of this number consisted of persons whose orders were not acknowledged by the Latins, no objection on that ground

[k] See the letter, ap. *Baron.* ann. 879. There is hardly a sentence in the letter which does not betray how much this step cost him.

[l] *Baron.* ann. 879, §§ 33-37.

was taken by the papal legates present. The council was attended by three commissioners,[m] or apocrisiarii, to represent the holy see; and there were likewise present the representatives of the three great patriarchal sees of Antioch, Alexandria, and Jerusalem. At the earliest opportunity the assembly came to the resolution that, although they were all of one heart and of one mind with their patriarch, yet, as there were still some schismatics who had made it their task, for the promotion of their mischievous designs, to stir up strife and enmities in the church, it had become necessary to convince them that whatever impression they might at one time have made upon the minds of the late pontiffs of the Roman church, thereby inducing them to countenance their evil machinations, that impression no longer subsisted; and that all these schemes and deceits had been put to shame by the friendly interposition of Pope John VIII. The legates announced that the Roman pontiff had resolved to take Photius to his bosom as his beloved brother; and in token of the new relation, they presented him with a magnificent suit of pontifical robes, the pallium and the sandals, amid the general applauses of the meeting.

Public recognition of Photius.

It is remarkable that this public recognition of Photius as patriarch had not been preceded by any promise or condition on his part.[n] But at the second session the letters of the pontiff to the emperor and to Photius were—we are told—read in a Greek version, that language being strange to the legates. After the reading, the legate Peter inquired whether the contents met the approbation of the synod?[o] The fathers replied that they fully approved of all that the letters contained relating to the reconciliation with Photius; but that upon the Bulgarian question they had

Alleged deceit and forgery of Photius.

[m] Paulus, Eugenius, and Peter, the latter a cardinal-priest of Rome. Peter was the special representative of the pope, and the bearer of the instructions and authentic copies of the letters to be read in council.

[n] The mode of dealing with the wily Byzantines adopted by Pope John VIII. stands in remarkable contrast with the minute precautions of his predecessor Nicolas I. at the council of 869.

[o] This question must have been put, and the answer returned, through an interpreter; since it must be presumed that the meeting was as ignorant of the Latin as the legates were of the Greek.

nothing to say, as *that* was a matter touching the emperor and his dominions. Upon this reply no remark appears to have been offered by the legates; and the next document read purported to be a Greek version of the letter of the pope to the patriarch, containing of course —as the legates would naturally have been prepared to expect—the conditions of reconciliation, more especially the public expression of contrition and the restitution of the Bulgarian jurisdiction. But of these conditions we are assured this version, as read, not only contained no mention at all, but conveyed an almost unqualified rejection of the great council of 869. We are further informed that the letter, as read, contained an *unconditional* recognition of the right of Photius to the patriarchate; and though the peculiar titles and attributes of the chair of Peter were fully rehearsed and dwelt upon, yet that all that was singular and exclusive in those attributes was studiously omitted, leaving the relation of the two sees of Rome and Constantinople upon the same debatable ground as theretofore. The letters, again as read in the Greek, enhanced all the complimentary expressions bestowed upon the patriarch personally, omitting all allusion to any antecedent conditions to be performed by him, as well as to the wrongs inflicted upon his sainted predecessor Ignatius. Yet neither these omissions and falsifications, nor even the crowning fraud,—the words and phrases purporting the abrogation of the eighth general council of the church,—awakened the legates from their lethargy. All these things they heard rehearsed with the full consciousness that what they heard differed in the most material respects from the contents of the originals of which they were the bearers, and with which they must be supposed to have had a familiar acquaintance. They again, it is true, adverted feebly to the Bulgarian question, but suffered themselves to be silenced by the same reply. Again, they inquired how it had happened that Photius had not awaited the papal decision before ascending the patriarchal throne. The answer returned was, that no doubt of his right to that dignity had ever

Equivocal conduct of the legates.

existed in the mind of the Eastern churches; and that there was nothing to prevent him from taking possession of the chair, inasmuch as he sat there by the appointment of the emperor, the consent of the three great patriarchs, and the suffrages of his church and diocese.

The council rejects and abrogates the eighth general synod of the Latins.

These replies appeared to satisfy the legates; and after listening patiently—whether with or without understanding, we are not informed—to a long defence from Photius of his conduct since his first patriarchate down to his late restoration without contradicting any of his statements, the legate Peter informed the assembly that in the exercise of the powers intrusted to him, for the manifest benefit of the church, to rescind the acts of his predecessors, the pope had—notwithstanding certain adverse decrees—granted his favour and friendship to Photius. This public tergiversation of the legates seemed to commit the holy see to any extent to which the Photians might think fit to push their advantage. At each successive session of the council these views became more and more apparent. The deputies of the Eastern patriarchs declared that their churches had never swerved from communion with Photius as metropolitan bishop. A letter, or—as the Latins charge—a Photian forgery, purporting to be addressed by the pope to the clergy of the metropolitan diocese and the three patriarchs, pressed the right of Rome over the Bulgarian church, and the inadmissibility of laymen to the episcopacy. The former claim was now peremptorily rejected; and as to the latter point, it was declared irrelevant to the case of Photius, and could not, therefore, be taken into consideration. The reading of the papal instructions to his legates, insisted upon by the latter apparently for their own justification, gave rise to an important discussion upon the presumed right of the see of Rome to abrogate the decisions of former councils against Photius. Upon the reading of this article, the fathers declared that, by reuniting themselves to their patriarch, they had *de facto* repudiated the synod of 869,—the eighth general council of the Latins; *and they now expressly and unanimously repealed, re-*

jected, and anathematised the same. All this passed, as far as the papal legates were concerned, without objection or remark.

On most of these questions the representatives—or pretended representatives—of the Eastern patriarchs took, it must be allowed, a very suspicious lead. They stigmatised those who had unpersonated their churches at the synods against Photius as cheats and impostors; they admitted no distinction between the wholesome and the noxious acts of those assemblies, and specially denounced the canon against the elevation of laymen to the episcopacy as an innovation unknown, and inconvenient, to the interests of the Eastern churches; they declared that the Oriental prelacy had from the beginning condemned and anathematised the synod of 869; and they intimated that, inasmuch as the papal mandate had not operated to separate them from the communion of Photius, no such mandate could be requisite to restore them to it. These counsels were forthwith adopted by the synod, and the fathers proceeded to pass sentence of anathema upon the Latin council of 869; and, incomprehensible as it may appear, not only did all these things pass without contradiction on the part of the papal legates, but they declared themselves satisfied with the result, and publicly communicated with Photius and the members of the synod. The appropriate catastrophe to this drama of disgrace—to one party at least, if not to both—was reserved to the concluding session. The papal legates signed the acts of the assembly first, in the order of their rank, in the following form: "I, John bishop of Ancona, legate of the holy see, and of John pope of that see, to this *holy œcumenical synod,* do, by and with the consent of the church of Constantinople, and of the representatives of the East, as well as of this synod, receive the most reverend Photius as legitimate patriarch, and do communicate with him in that character: *and I do reject and anathematise the council heretofore assembled against him here at Constantinople* (A.D. 869), *and all that was done against him in the days*

The legates recognise Photius unconditionally,

and anathematise the viii^th^ general council.

of Pope Hadrian; and if any one shall after this continue in a state of separation from him, let him be put out of communion as a schismatic until he repent and return unto his true pastor." Eugenius of Ostia and the Cardinal Peter signed the same formula; and their signatures were followed in like manner by those of the Oriental legates and the metropolitans and bishops present, to the number of three hundred and eighty.[p]

Latin explanation of the tergiversation of the legates.

The prospect of ever arriving at a satisfactory explanation of these mysterious transactions is discouraging. The Latin church has uniformly justified or excused this fatal tergiversation of her legates by alleging against Photius a series of frauds and forgeries of such unparalleled audacity as to raise a somewhat startling demand upon our confidence in her own veracity. Taking, however, for granted the view which she has presented to us, we are driven to the conclusion that every Latin document presented to the emperor, to Photius, to the synod, and to individual members, was either wholly counterfeit, or so vitiated by omissions and interpolations as to change the whole meaning, and to misrepresent the intentions and sentiments of the writer. By these artifices we are further called upon to believe that the legates, in their ignorance of the Greek language, were so thoroughly hoodwinked and deceived as honestly to suppose that all matters were taking the direction the pope desired them to take, or so nearly so as to suggest no material objection to the course of the proceedings, and to induce them in the end to affix their signatures to a string of resolutions they must, under any other circumstances, have known to be in direct opposition to their instructions. This mistake we are called upon to impute solely to their ignorance of the Greek language, and their consequent incapacity to detect the trick that had been practised upon them; furthermore, we must assume that they continued in this state of profound delusion through seven sessions

[p] See *Baronius*, ad ann. 879; and *Fleury*, tom. xi. pp. 462-495. Both abstracts are copious, and appear to omit nothing important to the subject. See Concil. *Hard.* tom. vi. pars i. pp. 213 et sqq., under the Latin title of "Pseudo-synodus Photiana."

of the council, dating from the middle of November in the year 879 until the middle of the ensuing month of March—a period of full four months; and lastly, that when they affixed their signatures to the acts of the council, they had no means of knowing, till it was too late, that they were consenting to the disgrace of their church and the total defeat of their master's intentions.

Insufficiency of the explanation.

The state of affairs in Italy, however, may suggest the probability that the legates had their private instructions not to be too particular in insisting upon the papal conditions of reconciliation; and they may thus have been induced to shut their eyes to some discrepancies between the proceedings of the synod and the letter of their instructions. How far this may have contributed to draw them onwards in the path of acquiescence, it is impossible to conjecture; yet it is obviously insufficient to account for the unqualified abandonment of every object of their mission. We cannot help asking, Had the legates neglected to provide themselves with an interpreter, who might have enlightened them as to the contents of the documents read in their presence? Was there no intelligent friend at hand who might have put them upon their guard against what was going on? How happened it that throughout the seven sessions of the council, and a residence of four months in the capital, no hint ever reached them that they were about to be made the victims of as foul a conspiracy as had ever occurred in the annals of public crime? But upon the state of facts as reported three suppositions come within the range of possibility: *first*, that the legates supposed the translations to be faithful, and that they conceived their duty performed in laying them before the synod, without taking any leading part in the proceedings:[q] *secondly*, that they fully understood and knew the versions to be falsehoods and counterfeits; in which case they were either acting under secret instructions, or had corruptly lent themselves to the knavery of Photius: *lastly*, that the Latin editions of

[q] Their presence as interlocutors is very slightly marked in the transactions of the council.

these letters and documents were afterwards fabricated to justify the subsequent judgment of the popes against the Photians, and discharge the see of Rome from the blame of concurring in the suicidal abrogation of her own eighth general council, and other disgraceful inconsistencies in which the conduct of her legates had involved her.

Relative position of the Greek and Latin churches at this period.

Leaving the characters of Photius and his adversaries throughout these transactions to shift for themselves, we must confine our notice to the positive results of the great council of the year 879. That assembly has always been, and is still, regarded by the Greek church as the eighth œcumenical meeting of Christendom, altogether ignoring the anti-Photian synod of 869. The most obvious result that strikes us is, the sudden and total decline of the papal influence in the East; the next, the comparative weakness of the Roman party when brought into direct conflict with the ineradicable prepossessions of the Greek churches. Photius had adroitly managed to identify his interests with those prepossessions, and to put himself forward as the representative of that spirit of independence as deeply implanted in the weakness as in the strength of the Greek character. The disgust created by the extravagant demands and the despotic tone of the Latin hierarch had for some years past operated to mitigate the virulence of faction among the Greeks. The papal or Ignatian party had been duly warned that any temporary advantage they might owe to the support of Rome must be paid for at the expense of their liberty. From the results of the synod of 869 the emperor might learn that his temporal headship would no longer be tolerated, and that his metropolitan patriarch must become the creature of Rome rather than, as theretofore, the nominee of the court. The cumulate force of these considerations suffices to account for the anxiety of the church of Constantinople to shake off the incubus of the Latin intrusion, to which they had submitted ten years before. In point of fact, indeed, it is apparent to the attentive reader of the events of that ten years that the

principles established in the eighth general council of the Latins were cast aside with as little scruple as—to answer the purpose of the moment—they had been adopted; its acts were waste paper almost from the instant they were signed; and the court and church stepped back into their former position with as much apparent indifference as if they had never abandoned it. At the end of the period Photius, who now represented the national church, resumed his chair as his right, and emancipated himself at one stroke from all the objections to which his original elevation was exposed by striking out of the records of his church all that might raise a doubt or cast a reflection upon his patriarchal legitimacy.

Success of Photius.

Notwithstanding the gravity of the Latin criminations of Photius and his three hundred and eighty accomplices, we cannot help considering the synod of 879 as a full expression of that relation of equality in which the Oriental churches conceived themselves to stand in regard to the papacy. The patriarch had, on behalf of his constituency, successfully avoided every derogatory humiliation: he had checked the territorial aggrandisement of the rival see; he had saved the imperial prerogative; vindicated the customs of his church; and, by the abrogation of the Latin council, delivered the hierarchy from the operation of principles inconsistent with any kind of self-existence or any degree of independence.[r]

Comments of John VIII. upon the acts of his legates.

In the early part of the year 880 the legates of the pope returned to Rome, with letters from the emperor and from Photius to John VIII. The latter at the same time was informed that Basil had, at the entreaty of the pontiff, despatched a fleet for the protection of the coasts of Italy against

[r] We draw attention in a note to the observation that it is difficult, if not impossible, to believe that if there had been any Roman party alive in Constantinople during the synod of 879, there should have been no one present to put the legates upon their guard against the frauds and forgeries imputed to Photius, or to have publicly exposed their corrupt neglect of duty. It was not now as in 861, when Rodoald and Zachary were denounced by a party at Constantinople (see ch. vi. p. 354 of this Book). No complaint ever reached Rome that Paul and Eugenius and Peter had been cheated, baffled, or bribed; and nothing remains to decide the question of treason or fidelity be-

the Saracens, and that the Greeks had gained a signal victory in the Neapolitan seas. Whether the contents of the letters had been fully considered by the pope or not, he did not wait for further assurance of the emperor's intentions, or the future destination of the victorious fleet, to reply to the emperor's address in a strain of warm gratitude for the protection already granted, enhanced by the hope, which he alleged to have been held out, of a speedy and satisfactory settlement of the Bulgarian dispute. In replying to Photius, he rebuked him sharply for putting his case upon its own merits, rather than upon the wholly unmerited indulgence of the holy see: he intimated, moreover, that it depended on himself whether matters should be permitted to rest upon their present basis; for it now appeared to him that, though he had given instructions that he should be dealt with in the way of special grace and favour, he had been greatly shocked to find that many things had been done in a contrary spirit, and in a manner greatly at variance with his (the pope's) original intentions. Nevertheless he still proposed to adopt what had been in mercy conceded, provided his future conduct proved his devotion and fidelity to the Roman see; but if he should find that the legates had overstepped their authority, he should not hesitate to revoke and annul their acts.[5]

Pope John revokes and reverses the acts of his legates.

By this time, however, opportunity enough had been afforded to ascertain to the full how far the legates had been to blame. In his own reply to the letter of Photius, it is tolerably clear that the pope was not unacquainted with the more important results of the late synod; and we are almost irresistibly led to believe that John VIII. intended that his judgment as to the conduct of Photius and his own legates at the late council should wait upon the operations of the Greek fleet then on the coasts. But upon this subject he was not long left in doubt. After relieving and securing the city of Naples,—the first, and probably the only real object of the expedition,—the im-

tween them and their master but the irreconcilable testimony of the two sets of documents already adverted to.

[5] *Baron.* ann. 880, § 8.

perial fleet quitted the Roman shores, abandoning them to become the scene of plunder and devastation to an extent unknown in times past. No step was taken indicating the remotest intention to restore Bulgaria to the pontifical state-spiritual; and in the bitterness of disappointment and indignation, Pope John sent a peremptory demand, by his legate Marinus at Constantinople, for the immediate fulfilment of the conditions of the late reconciliation, and the unqualified restoration of the council of 868 (the viii[th] general council of the Latins) to all its honours. This ultimatum fell nothing short of a revival of all the late disputes between the two churches;[t] inflicting, at the same time, a flagrant insult upon the Orientals. The bearer of the message was therefore arrested and thrown into prison, where he remained for about a month; after which discipline he was released and sent back to his employer.[u]

But in the December of the year 882 Marinus himself was elected to succeed John VIII. on the pontifical throne; and in retaliation for his late ill-treatment, he revived the censures of the synod of 869 against Photius and his adherents.[v] His pontificate, however, was of short duration; and, in the month of May 884, he was succeeded by Hadrian III. But this pontiff sat for a period short of a year and a half; and at his death the choice of the church fell upon Stephen, the fifth of that name. The trust of the papacy in Byzantine protection against its foreign enemies had been long since abandoned; not so their confidence in the

Offensive letter of the Emperor Basil.

[t] The effect was in substance to re-enact all the censures of that council against Photius, with the additional advantage to Rome of introducing an irreconcilable confusion into the records of the Greek church.

[u] See the letter of *Pope Stephen V.*, ap. *Baron.* ann. 885, § 14. The cardinal asserts, upon the authority of this letter, and of another written by Pope Formosus five years afterwards, that John VIII. sent Marinus with a commission *to quash* the Photian council of the year 879, to disavow all the acts of his own legates, and to anathematise Photius for the seduction of those worthies. But Pope John was alive full two years after the mission of Marinus; and among his 320 extant epistles several bear date subsequently to that, none of them containing the remotest allusion to the repeal of the council of 879, the disavowal of the legates, or the condemnation of Photius. *Fleury* does not notice the circumstance. Conf. *Baron.* ann. 880, §§ 10-12, and ann. 891, §§ 6 et sqq.; *Ciacon.* Vit. Pont. tom. i. p. 662 F; *Bower*, vol. v. p. 54.

[v] *Baronius* does not mention the fact; but *Fleury* (tom. xi. p. 539) asserts it on the authority of the "Breviarium Græcum Synodi Constant. VIII."

influence of the party still attached to Roman interests at Constantinople. In this confidence Marinus had resumed that revolting tone which had so frequently before alienated the friends, and exasperated the enemies, of the holy see; and, in the month of September 884, the Emperor Basil retaliated in a letter offensive to the pontifical dignity, and calculated to call forth a bitter recollection of former indignities of the like character.[w] This letter, though addressed to Hadrian III., was received and replied to by his successor Stephen V., in a tone no less displeasing to the ears of the Byzantine autocrat. "You," said the pontiff, "are a worldly prince; *you* make laws, dispense powers, and lead forth your armies to battle. To *us* is intrusted the care of the whole flock of Christ; an office as far above yours as the heavens are above the earth. Hear what the Lord said to Peter: 'Thou art Peter; and upon this rock will I build my church, and the gates of hell shall not prevail against it.' But what saith he of the earthly powers? 'Fear not them which kill the body, but are not able to kill the soul.' Your duty, therefore, is to obey the prince of the apostles; for he is the origin of all spiritual power. Exalt not yourself, upon *the empty pretext of earthly sovereignty*, to be a judge in matters which belong not to your dominion.[x] Of a truth, the miscreant Photius, who hath poisoned your ears against our sainted predecessor Marinus and his immaculate spouse, the mother and mistress of all churches, would have as little scrupled to babble his blasphemies against the Lord Jesus Christ himself. But be not deceived: the 'disciple is not above his master,' and verily the 'lying lips shall be put to silence which speak grievous things proudly and contemptuously against the righteous.'[y] But who hath seduced you thus, after the manner of a mountebank, to flout the universal pontiff, to whom you are subject in all reverence? . . . Who made *you* the judge of your masters and mediators with God, the holy pontiffs? Is it not written of all God's

Reply of Pope Stephen V.

[w] More especially the vituperative letter of Michael the Sot to Pope Nicolas I. See chap. vi. p. 365 of this Book.

[x] The Bulgarian supremacy to wit.

[y] *Ps.* xxxi. 18.

priests, 'Touch not mine anointed, and do my prophets no harm'?[z] and again, 'The priest's lips shall keep knowledge, and ye shall take the law from his mouth; for he is the messenger of the Lord of hosts'?[a] Why, then, thrust yourself into the judgment-seat of God, to judge the priests, his servants, and subject to his tribunal alone?[b] But beware! Great is the power of the pontiff. Remember what was done unto the Emperor Theodosius by the holy Ambrose. . . . Say not that Marinus was uncanonically translated from one see to another; for there is no canon that can stand in the way of the manifest utility of the church of God.[c] What right, then, have *you* to condemn the blessed Marinus? Are you ignorant that, at the first synod of Nicæa, the holy pope Sylvester proclaimed by the mouth of his legates, in the presence of St. Constantine himself, that the primate of all sees could be judged of no man?[d] By what means, then, hath the seducer Photius persuaded you to wag your tongue thus profanely against the holy Roman church? Would you have us write to him, *a mere layman?* Should we, indeed, consult with him about the convocation of a council—about the exercise of our prerogative? . . . But, alas, *you have no patriarch.* The glorious church of Constantinople is destitute of a pastor with whom the holy see can correspond. Yet from you, who are now the only tie between us and that church, we put up with much insult; for your sake alone we refrain from inflicting upon the prevaricator and slanderer Photius still hea-

Quotes false decretals

and fabulous traditions.

[z] *Ps.* cv. 15.

[a] *Malachi* ii. 7.

[b] Conf. the false decretals, *Clem. I.* ep. i. loc. cit. pp. 102, 104, 105; *Anaclet.* ep. ii. § 2, p. 609,—in this epistle especially as to the popes, "Quoniam injuria eorum ad Christum pertinet," &c.; and in the same epistle, "Peter the source of all the sacerdotal powers," ibid. p. 611. See also Book VI. c. vii. of this work, pp. 196, 201, and passim.

[c] Not even the x^th^ and xvi^th^ canons of the 'holiest of councils'—that of Nicæa! It is to be noticed, that when the Orientals urged the like expediency in favour of the elevation of distinguished laymen to the episcopacy, the pontiffs treated the argument as a gross impiety, although there was *no canon* against it. The real intent was, that the chair of Peter was the sole judge of the expediency in question; in other words, was bound by no law at all.

[d] A pure fable. See the account of this synod in *Euseb.* Vit. Const. lib. iii. c. vii. and *Socrates*, lib. i. c. viii. Rome is not even mentioned by either of these writers, except to say that the bishop of that see, owing to age and infirmity, was allowed to appear by deputy.

vier penalties than those decreed against him by our predecessors.

Stephen V. holds out an opening for negotiation.

"But you, O successor of Constantine, wherefore do you not follow the example of your great forerunner, who, when the bishops put into his hands defamatory libels against others of their order, consigned them to the flames, declaring that he was not worthy to sit in judgment upon the priests of the Lord.[e] We exhort you, therefore, no more to lift up your heel against the holy Roman church; we rejoice to hear that you have a son whom you have destined for the priesthood; and *we request you to send a fleet to remain on our coasts from the month of April to the month of September, to protect us against the incursions of the Saracens.*"[f]

Tone of the correspondence; its character.

The concluding request of this singular production would take us by surprise, if it were not pretty clear that it was thrown out as an opening for negotiation, which, under the same circumstances, might not improbably have ended much as that of the year 879.[g] But since then the alienation between the two churches had gone on in an accelerated ratio; and even the political revolution, to which we have next to advert, was no longer available for the purpose of reuniting the broken thread of communion which had hitherto subsisted between the Latin and the Oriental branches of the Christian church. In this place we remark only that the tone of the letter of Pope Stephen V. had assumed a swelling grandeur it seems impossible to improve upon. But this rhetorical style was not unknown to the Greeks. They too, like cozening traders, would with as little shame ask a pound where they would as gladly accept a shilling. This mode of dealing was so far sanctioned by custom that it had lost its revolting character, and excited no such indigna-

[e] Conf. *Socrates*, H. E. lib. i. c. viii. There is no foundation for any such disclaimer of jurisdiction; but by this time the accumulated mass of impure traditions had almost obliterated genuine history from the memories of men.

[f] See the letter *in extenso*, ap. *Baron.* ann. 885, §§ 8 et sqq.

[g] The reconciliation between Photius and John VIII., brought about by the like political pressure.

tion or contempt as its apparent meanness and insolence deserved. The Greek no doubt read the flaunting production of Pope Stephen with the same indifference as that with which he himself would have sat down to compose a state-paper in the like style.

Leo IV. emperor—Second deposition of Photius.

Before the arrival of this letter in Constantinople, the Emperor Basil had breathed his last. His son Leo IV., surnamed the Philosopher, had been incensed against the ministers and favourites of his father by their participation in the ill-treatment he had suffered during the latter years of the late emperor's life. Photius was accordingly deposed, and the minister Santabarenus imprisoned and blinded. The young monarch seems, however, to have had no other motive in the removal of Photius than to promote the elevation of his younger brother to the patriarchate. The enemies of Photius, with the Archbishop Stylian of Neocæsarea at their head, lent themselves heartily to the imperial design; and, with a view to strengthen themselves by a reunion with Rome, wrote to Pope Stephen a highly coloured statement of the schismatic proceedings of the patriarch, ascribing his success to the combined sorceries of the heretic and his associate, the necromancer Santabarenus. They accused him of having murdered Ignatius by poison, and administered charmed food to the late emperor, whereby the righteous detestation in which that prince had previously held him was converted into the most devoted affection and friendship. The two sorcerers, they said, had after that conspired to poison the mind of the father against the son, and so to get the reins of government wholly into their own hands, in the treasonable hope of being able to retain them after his death. But in this they had been happily disappointed, and had paid the penalty of their misdeeds. They therefore, with many protestations of devout submission to the holy see, implored the aid and countenance of the pontiff to help them through the one great difficulty which stood in the way of a cordial reconciliation and fusion of the two

Anti-Photians to Pope Stephen V.

churches. Many—they might have said the majority—of their clergy had derived their orders from Photius, under the authority of the holy see itself; in the first instance through the legates Rodoald and Zachary,[h] and in the second through the papal commissioners Paul, Eugenius, and Peter, who had approved his restoration.[i] If all these, they said, were ejected from the priesthood, then would an infinite number of the innocent perish with Photius himself, and the whole church be plunged into the deepest spiritual destitution.[j]

The pope procrastinates.

But Pope Stephen had no mind to put the petitioners so soon out of their misery; for in the emperor's letters he read a different story. Leo IV. informed the pope—not that Photius had been deposed or punished, but—that he had spontaneously resigned his see, in order to embrace the life of retirement and contemplation to which he was so much attached. Stephen therefore determined that, until the principal delinquent was brought to justice, nothing should be done for the relief of his opponents; and, in conclusion, he directed both parties to send their legates to Rome, furnished with all the needful information to enable him to act with effect.[k]

The Ignatians request the confirmation of the Photian orders.

The Ignatians had in reality overshot their mark. The emperor, it is true, entertained suspicions of Photius, and had wreaked cruel vengeance upon his enemy Santabarenus; but after securing the elevation of his brother to the patriarchate, he does not appear to have come to any further understanding with the Ignatian party, or to have been disposed to regard the deposition of Photius as a punishment for past offences. Nor was it till three years afterwards that the Ignatians, whose only trust

[h] In the year 861. See chap. vi. of this Book, p. 354.

[i] In the year 879. See p. 402 of this chapter.

[j] They strongly urged the papal argument, that any thing is better than that the interests of the church should suffer by the crimes of its members or enemies; and they furnished the pope with many precedents to back their petition. See the letter, ap. *Baron.* ann. 886, §§ 16, 17. Conf. the extract, ap. *Fleury*, tom. xi. pp. 552-554. From this good man's mode of abbreviation, a very imperfect idea can be formed of the acrimonious and servile tone of this letter. A tender feeling for the interests of religion often inclines him to draw the sting of these revolting documents.

[k] See *Baron.* ann. 886, § 26.

was in Rome, prevailed upon him to open an intercourse with the pontiff. Legates and letters from the emperor and from Stylian were accordingly despatched to the pope, the purport of which appears to have been an earnest request that he would graciously confirm the orders of the Photian party, who now solicited the merciful consideration of the holy see on the grounds stated in former communications. From all this it might have clearly appeared to the pontiff that the Roman party at Constantinople were conscious of their inability to be of use to the government—an indispensable condition of favour in the East—without the aid of the Photians themselves. The Ignatian legates were addressed to Pope Stephen V.; but he had died before their arrival; and the answer was not returned till nearly two years afterwards, by his successor Formosus. The new pontiff harshly denied the validity of the Photian orders: "That person," he said, "had nothing in him, and could therefore impart nothing but damnation, which verily he did most plentifully impart by the imposition of his sacrilegious hands." Still he expressed himself willing to reconsider the subject, provided, in the first instance, all the denunciations of the holy see against Photius were faithfully carried into effect; and as to all those who had been ordained by him, he consented to admit them to *lay communion*, upon condition that they gave in a written confession of their sin, craved pardon, and did such penance as should be thought adequate to their guilt.[1]

Confirmation refused by Pope Formosus.

When Pope Formosus returned this answer, he must either have been deplorably ignorant of the position of the Roman party in the East, or he must have felt himself so tied hand and foot by the decisions of his predecessors as to have been conscientiously unable to relax them. He had obviously thrown upon the Ignatians a task they were unable to perform. The purgation insisted upon

Prelude to the final schism between the Greek and the Latin churches.

[1] *Baron.* ann. 891, §§ 6, 7. The admission to lay communion may have been preparatory to a reordination by orthodox hands, so as to correct the vice of their former orders.

meant nothing less than the degradation of the great majority of the Oriental clergy, and the vitiation of nearly all orders in their churches. No single step could be taken without the zealous coöperation of the emperor, which the pope and his friends had every reason to believe would be withheld. Neither his inclinations nor his interests—probably not even his power—extended to the accomplishment of a measure which was sure to involve civil disturbance, if not bloodshed. In fact, this act of Pope Formosus was the completion of a schism, as yet undeclared indeed, but distinctly marked by continuing non-intercourse and undisguised alienation and dislike. During that interval the points of doctrine and ritual which lay in contest between them had assumed a magnitude out of all proportion to their real importance. The papacy had not yet bound itself to any irrevocable decision upon the matters in dispute: but the opinions controverted by the Latins were domesticated in the Greek churches; and, trivial as many of them really were, they sank daily more deeply into the heart and mind of the Oriental Christians. But even though it had been possible to yield to them on the dogmas of the "procession of the Holy Ghost" and the "prohibition to marry," yet Rome had nailed her colours to the mast in defence of her eighth œcumenical council, and pledged herself to the overthrow of the antagonist synod of 879. In that object all her efforts were unavailing; and this latter synod remains to the present day enrolled on the statute-book of the Greek church.[m]

Different combining principles of the Greek and Latin churches.

The difference between the combining principle in the Greek and Latin churches is worth a short consideration. The law which held the parts and parcels of the latter church in union partook more of a purely religious character than that of the sister church. The Greeks assumed church-legislation as the foundation of their ecclesias-

[m] We throw into a note a few remarks upon the mutual heresies charged by the Greek and Latin churches against each other. The capital difference turned upon the "procession of the Holy Ghost." The Latins had interpolated into their version of the Nicene Creed the words "and the Son" (*Filio-*

tical scheme, with a due regard to the official presidency of the Roman pontiff. It is, however, to be observed, that the scheme of church-legislation proceeded upon *senatorial deliberation under secular procurement and support*. General councils could not be assembled without the consent and coöperation of the secular government, which thereby acquired a right of interference, always repugnant to those hierarchical tendencies which the Christian churches had cherished almost from their birth. This elementary contrariety tended to slacken the action and to enfeeble the authority of all general councils. Added to this, such assemblies were of necessity extremely costly, and therefore very rare: they could not wait upon the demands or necessities of the times, and therefore left much that ought to have been of general applicability to the particular churches to be done for themselves. Hence the absence of many necessary checks upon discordances of doctrine and usage,

que), which addition the Greeks pronounced to be heretical. The minor points in difference were eight in number: 1. The custom of fasting on a Saturday; 2. The permission granted by the Latins to eat eggs and cheese during the first week in Lent; 3. The Latin custom for the priests to shave their beards; 4. Their prohibiting the clergy to marry; 5. The reiteration of the holy chrism at confirmation reserved to bishops only; 6. The ordination of deacons to be bishops without passing through the order of priesthood; 7. The practice of sacrificing a lamb at Easter, in imitation of the Jews; 8. The tyrannical pretensions of the bishop of Rome. The defence of the Latin churches upon these charges was taken up by two Western divines of eminence,—Eneas bishop of Paris, and Ratram, a monk of Corvey in Westphalia. These men indulged in the rancorous spirit common to all religious controversy in that unlearned and rhetorical age. Ratram devoted three books of his extant work against the "Errors of the Greeks" to the defence of the "Filioque." Upon the charge of *tyranny*, he gives the following *authentic* pedigree of the Roman claims: "After the Emperor Constantine had become a Christian he quitted Rome, declaring that it was not befitting that *two emperors*—the one the autocrat of the world, the other the autocrat of the church—should reside and rule in the same city. He accordingly established the seat of empire at Constantinople; and placed Rome, together with many provinces, under the dominion of the apostolic see. He gave royal authority to the Roman pontiff, and caused the donation to be inscribed in a charter, *which hath from that time to this been well known* to the whole world." *Fleury* (tom. xi. p. 201) says that Ratram is the first writer in whose works any mention is found of the since celebrated fiction of "*the Donation of Constantine*." Be this as it may, the document came out of the same workshop as the Isidorian forgeries. The Greeks took a very different view of the migration of Constantine from Rome to Byzantium. They never ceased to regard not only Rome, but every province that had ever formed a portion of their œcumenical empire, as a constituent part of the one undivided sovereignty, in as full and rigorous a sense as the popes regarded the Catholic church to be in all its parts and portions subject to their spiritual empire. A division of the sovereignty was just as inconceivable to the parties in the one case as in the other.

want of correspondence among the constituency, and of that corporate spirit which always animated the Latin communion.

Struggle of the Latins against conciliar legislation.

On the other hand, the whole history of the papacy resolves itself into a continuous series of strenuous efforts to supersede conciliar federation, and to substitute for it an autocratic unity under one head, — the bishop of Rome. By slow degrees the popes had succeeded in fixing, first the attentive reverence, afterwards the devout obedience, of the Latin hierarchy upon the chair of Peter. Every member of that body was brought to regard his official existence as intimately bound up with that of the *one* spiritual chief. This long and difficult operation had been successfully effected by the aid of a religious myth, followed out with wonderful logical precision and sagacity; and the edifice of power was crowned by the successful transfusion of the usages of the imperial state into the polity of the church. What the decrees and rescripts of the emperor were in the body politic, such also were the decretals of the Roman pontiffs in the body ecclesiastic. With different objects, the authority was the same. With all its despotism, the principle had nothing in it so shocking to the sacerdotal mind as that unhallowed state-association which for ever fretted and unsettled the spirit of the Greek hierarchy. Though the national churches of the West might entertain fears for their special customs and privileges, and occasionally offer resistance to the extreme exercise of decretal prerogative, it was, after all, the hand of their natural chief which pinched and galled them; while at the same time it elevated them to a summit of dignity and power which no state-patronage could have imparted.

Latin scheme most congenial with the sacerdotal spirit.

Conciliar legislation was, in fact, quite as often used as the mere instrument of state policy as of religious requirement. Its proceedings rarely appeared as the pure emanations of the ecclesiastical mind. But when we carefully consider the real and substantial tendencies of the sacerdotal character, we shall find that it contemplated nothing short

of unconditional independence of all secular control, with a secret reserve of equally unconditional ascendency in the management of things temporal in all matters which touched the interests, secular or religious, of the priesthood. With a view to this great object, the concentration of power in the hands of the bishop of Rome must have appeared as the most effectual instrument. The decretal scheme, which had by this time transfused itself in some shape or other into almost every code of ecclesiastical law in use in the West, contemplated a perpetual warfare with the princes and powers of the world: they were the "lay enemy" to be subdued; they were the "world, the flesh, and the devil,"—the very "realm of darkness to be vanquished."[n] In this respect all the churches of Christendom sympathised with Rome. All were equally impatient of state interference; and all of them struggled with equal perseverance and energy to establish themselves on the basis of a dominant polity.

Natural stability of the Latin scheme.

It is scarcely possible to overrate the influence of this determined spirit on the stability of the papal scheme. Rome had established herself at the head of the great movement; she was the key-stone of the arch of ecclesiastical power, the basis of which rested upon the broad surface of Latin Christendom. Had that foundation been one whit less comprehensive, no inherent virtues of her own could have enabled her to survive the deep degradation of the period to which our attention must be directed in the following Book of this work. But there is this great difference between religious and secular polities,—observable throughout all ages, and among all nations and all creeds,—that the latter do not supply an equally efficacious remedy against the vices of the rulers. The dynasty perishes; the state changes its form and alters its laws; and when the fermentation subsides, its outward appearance is so changed as to be no longer recognised as the same. The spiritual or religious polity is far less sensibly affected by the misbehaviour of its rulers. The personal obloquy they may contract does not in the same degree

[n] Conf. Book VI. c. vii. p. 200 of this work.

affect the scheme itself, because it is anchored in the conscience of the subject; and conscience always makes greater account of principles than persons. No political predilection works with equal steadiness, or possesses the like substance and durability. If the vices of the priesthood had operated to the prejudice of religious government with the same fatal effect which those of temporal rulers have produced upon state polities, the religious history of the world would have exhibited as many revolutions as the political. But the fact is otherwise; and it is found that the religious government, resting upon a less variable basis, has a natural power to resist those revolutionary movements which hamper or imperil all political schemes which are not themselves in a high degree impregnated with a religious or hierarchical spirit.

Theoretical credit of the chair of Peter in the ninth century.

We are not here defending the autocratic scheme of Rome, as more conducive to the interests of religion and society than if it had been of a less absolute or a more consultative character. We believe, on the contrary, that it originated from confounding the religion of Christ with the outward means by which its dominion in the world was to be maintained; that it arose from the mistaken opinion that the same methods which promised to support outward uniformity were equally availing to promote internal and spiritual unity. But we are now looking rather to the state of the facts which are to guide us through the labyrinth before us than to the errors, whatever they may be, by which that state may have been brought to pass. And this broad result lies clearly before us,—that at the period at which we have arrived the Petrine chair was the material centre of the Christian profession in the west of Europe; and that men had well-nigh forgotten that any other gospel had ever been preached than that of the Roman decretals, or that any earlier Christianity had ever existed than that which now flowed from the chair of Peter. The downfall of that chair appeared to the great majority of the world in no less alarming a light than the total overthrow of the faith, the falsification of prophecy, and the triumphant advent of Antichrist.

Though, therefore, the pontiffs of Rome might pollute themselves with every imaginable vice, the holy see itself might still remain theoretically inaccessible to contamination. And fortunate indeed it was for Rome that her intercourse with her northern subjects became day by day less frequent and intimate. The trial of their faith or their credulity, to which frequent visits must have exposed the more pious and devout minds, would have been to the full as severe, and might have been as dangerous, in the tenth as it afterwards proved to be in the sixteenth century.

BOOK VIII.

CHAPTER I.

STATE OF ITALY IN THE NINTH AND TENTH CENTURIES.

Introductory observations — Civil divisions of Italy — Administrative officers — Missi dominici — Defects of the administrative system — Subinfeudation — Advantage of the churches — The immunity — Ecclesiastical immunity — Political ascendency of the prelacy — Cause of the ascendency, &c. — Corrupting effects of the union of spiritual and political power in the hands of the clergy — Church and state alliance; its general result — Vitality of the church, how sustained during this period — Political stimulants of moral corruption — Dissolution of government.

Introductory observations.

It would be a relief both to the writer and the reader of papal history were we at liberty to pass over the annals of the tenth century, or to content ourselves with a bare recital of the leading circumstances necessary to dispel the obscurity which hangs over this period of our narrative. Hitherto we have contemplated the papacy in its career of acquisition; we have endeavoured to register and to characterise the gains of the chair of Peter upon other political and religious interests and institutions. We are now called upon to trace the history of papal Rome through a period of unparalleled corruption and debility,—a death-sleep of moral and spiritual exhaustion,—and to notice in due order the causes which led to this remarkable decline, and prepared the perhaps still more remarkable revival of the eleventh and twelfth centuries. But the obscurity we complain of cannot be satisfactorily cleared away without adverting to some particulars relating to the social and political state of Italy within the concluding years of the ninth, and the whole of the tenth century. Within that period the papacy, as

a religious polity, almost melts from our view. We are tempted to ask, "Whither have the Hadrians, the Gregorys, the Nicolases, taken flight?"—so completely has every trace of their magnificent design, their imperial sway, their commanding spirit, died away and disappeared from the earth. Where, then, are we to look for the material causes of these singular phenomena? How are we to account for the reappearance of this apparently extinct and prostrate power, in a vigour and a splendour surpassing even those of any period of her past history? The replies to these questions must be primarily sought in the state of the Italian peninsula; and, in the next place, in the reinfusion into the life-blood of Rome of that sacerdotal current which had stagnated under the deadening influence of vice and corruption. In Italy we find that during the course of the tenth century all the older elements of society were broken up, to be recast in a different mould. In the process all connection between the different fragments was destroyed: church and state were thrown together in such confusion as to render it scarcely possible to distinguish one from the other, until the strong hand of a foreign power interfered to reconnect the broken threads, and to revive the long-forgotten policy of Charlemagne.[a]

Civil divisions of Italy; administrative officers.

The political constitution of the Italian kingdom under the Carolingian princes, as settled by Charlemagne, closely resembled that which had been framed by him for his Frankish and Germanic dominions. Like the latter, Italy was—after the suppression of the Lombard duchies[b]—divided into counties (cantons—*gaué*). Over each of these divisions an officer called *graf*, or count,[c] presided as the supreme civil and criminal judge of the district, and the responsible officer for the preservation of the public peace. Each of these counties was subdivided into smaller districts, under *scabini* or *échevins*, whose functions extended to minor

[a] Conf. Book VI. c. iv. p. 111 of this work.

[b] See *Leo*, Gesch. der Ital. Staaten, vol. i. p. 205.

[c] In the Latin of the age called "comes."

or merely personal suits and offences, probably subject to the control or correction of the *graf*, to whose tribunal all capital charges and suits of land or real property were reserved. It is to be observed, however, that bishops, abbots, counts, and the officers specially intrusted with the collection and control of the royal revenue, could be proceeded against only before the imperial count-palatine, who was the immediate representative of the sovereign; yet only by precept under the royal seal, as the king's tenants *in capite*, and deriving their authority directly from himself. The count-palatine had his seat or bench in the royal palace; and his jurisdiction extended over all suits reserved by law for, or transferable by appeal to, the judgment of the sovereign in person.[d] Beyond his court no cause could be carried.

Missi dominici.

For the convenience of supervision, the whole kingdom was divided by Charlemagne into larger districts, consisting of several counties; and to each of these he appointed two royal *missi*, or commissioners, one of whom was generally a layman, and the other a bishop or superior ecclesiastic. Without any definite jurisdiction, these great officers were empowered to take cognisance of all abuses; to reduce all counts and inferior officers of justice within the proper sphere of their duties; to compel them, in case of injustice or oppression, to repair the error; and lastly, to send in periodical reports to the sovereign of the whole state, civil and military, of their several provinces, so as to enable him at a glance to ascertain the condition of the people, and the working of the whole establishment.

Defects of the administrative system.

As long as its author survived to superintend the administration of this promising scheme of government, Italy shared the advantages it conferred upon the other dependencies of the Frankish empire. But a strong hand and an outstretched arm were, from the beginning, the only securities for its permanence. When that arm was withdrawn, all the usual elements of barbaric pravity were again let loose upon

[d] Like the Queen's Bench in England, where the sovereign is, in legal fiction, supposed to be personally present.

society. The most active source of disturbance was the habit of the age to regard all grants from the crown, whether of land or office, of honour or of emolument, as conferring a property rather than as imposing a duty. All such grants were in the nature of feoffs, the rights and revenues of which belonged to the holder as of fee,[e] and consequently might be divided out or redistributed at pleasure, subject only to the conditions of the original grant. The grantees, therefore, soon fell into the habit of again parcelling out to undertenants the several branches of their official emoluments and profits, more especially the collection of the revenues, whether fiscal or judicial, within their districts. Under Charlemagne's supervision, the evils arising out of this system of subdivision may not have been carried to any inconvenient extent; when his hand was withdrawn, it served to multiply the instruments of oppression, and to aggravate the tyranny which bowed the subject to the dust. Counts, bishops, vavasors, judges, conspired to evade or to defy the law, and all classes of public servants resorted to the arts of chicanery and injustice to augment the receipts of the delegated office. Thus,—the revenues of the local judges depending on the number of causes and the frequency of the court-days,—the patience and the means of the suitors and the freemen or jurors were exhausted by citations, attendances, and fines, till they were driven, as a last refuge, to surrender themselves and their free estates in rear-vassalage to some powerful lord,—but more frequently to churches and great abbeys,—to purchase exemption from the intolerable vexations of fiscal or judicial extortion.[f]

Subinfeudation.

These abuses, but perhaps still more so the exorbitant fines levied by the officers of the crown for commutation of military services,[g] opened out a

Abuses of the system.

[e] In the language of English law.

[f] Other modes of extortion were, purveyances; compulsory entertainment of the great officials on their journeys; forced services on the lord's lands,—ploughing, sowing, and reaping his fields, cultivating his vineyards and plantations: all contrived to disgust the humbler classes of freemen with their condition, and drive them into servitude under their more powerful neighbours.

[g] Under Charlemagne every freeman was liable to serve in the heriban of the empire, or to pay the sum of 60 solidi for exemption; and in default of pay-

mine of wealth to the royal officers and collectors of the revenue. Nor was there any thing in the public morals to prevent such opportunity from being used to the ruin of persons of moderate means. Under this system the poorer classes of freemen dwindled into serfs and servitors; the wealthier surrendered their estates, to take them back in the debased state of rear-vassalage,[h] and with the loss of those rights of free tenure which placed them on a stage of social equality with the most powerful and wealthiest of the land.[i] But to this state of things the churches—though strongly tainted with the prevailing desire of acquisition —offered an imperfect remedy. In Italy the bishops and conventual establishments had profited largely by the thoughtless liberality of the crown and aristocracy. Their influence over the minds of the laity, and the greater confidence in their power and inclination to protect the oppressed, drew to them a more numerous class of dependents than any the great feudatories could acquire by oppression. The popularity they enjoyed under the Carolingian princes became to them the best security for past, and the surest pledge for future aggrandisement. The government looked to the clergy as the firmest supporters of the throne against the growing power of the lawless nobility; while the inferior orders made sure of a lighter servitude and more gentle treatment under the banner and badge of the church.

Advantage of the churches.

By this path the clergy outstripped the laity in the race of acquisition. No price was too high to secure their good-will. The king not only exempted them from the ordinary jurisdiction of his courts, but granted them, with small exception, all the powers, within the lands appurtenant to their churches, enjoyed by the counts within their *gaué*, or counties. The exemption and privilege thus conferred upon the bishops

The "immunity."

ment, became the king's bondsman until he should have given the value in service, or otherwise raised the fine.

[h] As vavasors, German, "Hintersassen."

[i] After the surrender the freeman—possessor of allodial or customary lands —became the "man" (*homo*) of the new land, and was disqualified to prosecute or defend his own suits; that privilege being transferred to the lord whose "man" he was, and without whose warranty he could not even show his face in court.

and religious houses was called an "immunity." The necessities of the Frankish kings soon compelled them to extend the immunity to the estates and possessions of all whose power they feared, or whose services they were anxious to secure. Year after year the jurisdiction of the king's courts, and the revenues arising from them, became more and more curtailed. The clergy gradually shook off every public burden: they paid no commutations, aids, or levies, for the public defence; they exempted themselves from the duties of constructing and repairing public edifices, the making and repairing of roads, the building of bridges, and numerous other services attached to their estates and tenures. Though the privileges of immunity were dispensed to the great nobility with no niggard hand, yet of those privileges the bishops, abbots, and monastic houses obtained by far the larger share. There was a religious merit in gifts and surrenders to the churches; and at the death of Louis the Pious (840), the clergy had drawn within the circle of "immunity" at least one-third of the whole landed property in the kingdom. Their political power advanced in the ratio of their landed wealth; they took precedence of the noblest in the diets of the kingdom, and bore away the largest share in the management of public affairs. As the power of the Carolingian kings declined, they plunged headlong into all the intrigues and factions to which the weakness of the government gave occasion; and at every step participated in those profuse alienations of the prerogative of the crown, by which the distressed and impoverished princes strove to buy off opposition or to purchase adherents.

Ecclesiastical immunity.

Bearing in mind that the state of things we are now describing was of gradual growth, and that it fills up the period from the death of Louis the Pious, in 840, to the invasion of the Emperor Otho the Great, in the year 962, we find that within that period every valuable prerogative of the Italian crown had been parted with, and that the name and shadow of royalty was all that remained to the luckless princes who, in the monotonous catalogue of revolutions

Political ascendency of the Italian prelacy.

which that magnificent region passed through, happened to occupy the unprofitable throne. At the epoch just named some few great feudatories still held up their heads; but all the wealthiest cities and richest districts had fallen into the hands of bishops and clergy. The most powerful of these ecclesiastical princes were, at that point of time, the patriarchs of Aquileia and Ravenna, the archbishop of Milan, the bishops of Piacenza, Lodi, Asti, Bergamo, Novara, and Turin, and the great abbots of Monte Casino and Farfa. The "immunity"—by this time equivalent to sovereignty—of these sees extended to the receipt of almost the entire revenue, together with the whole civil and criminal jurisdiction within their several dioceses and counties, and the cities which gave title to the sees.[j] But the privilege of immunity was not confined to the more eminent churches; for it appears that before the close of the tenth century there was scarcely a monastery, male or female, which had not acquired the royalties of some neighbouring or adjoining district, town, or hamlet.

With the other powers and attributes of sovereignty, the command of the military force of the counties and cities fell in a great measure into the hands of the bishops. Though upon the call of the king the clergy generally declined to lead their contingents into the field in person, they never scrupled to buckle on armour in their private feuds, or to stand forth in person in defence of their castles and strongholds. Sometimes the most exalted prelates went out to battle at the head of their vavasors and retainers; and on one or two extraordinary occasions they were summoned to the field by an emperor or a pope.[k] But looking beyond the circumstances attending the elevation of the Italian clergy to this extraordinary degree of power, we cannot avoid tracing it to a remoter cause than any hitherto

Cause of the ascendency, &c.

[j] Most of these prelates had obtained or extorted the dignity and emoluments of counts of the adjoining counties or *gaué*.

[k] Thus the Emperor Lothar II. summoned his bishops by name to his holy war against the Beneventines, and in the year 878 Pope John VIII. called out the bishops of France into the field against his domestic enemies; so likewise, in 915, Pope John X. marched in person at the head of an army of lay and ecclesiastical warriors against the Saracens.

disclosed. There was in the Latin hierarchy a religious strength, directed by methodical institution and management, to which the civil constitutions—if they may be so called—of the worldly kingdoms bore no resemblance. Charlemagne was struck by the superiority of the principle upon which the government of the church was carried on; the whole plan of his civil polity was framed upon the ecclesiastical model. He was the secular pope; the *missi dominici* were his legates, the counts were his bishops, the counties his dioceses; his laws were drawn up in the form and with the terseness of canons, and were always enacted in the presence, and by the advice, of his prelates. From among these he chose his principal advisers and assistants. His executive officers and ministers—his *missi*, his counts, his provincial judges—were mostly ecclesiastics; more especially in Italy, where, during the vice-royalties of his son Pippin, and afterwards of Lothar I., his grandson, Adelard abbot of Corvey, and his brother Wala of St. Denis, were the real rulers of the country.

Corrupting effects of the union of spiritual and political power, &c.

These men regarded the political organisation they introduced as a religious work springing from the church they represented. Though wise in their generation, they did not discern the natural tendency of the two powers to corrupt and enfeeble each other. The clergy involved themselves in worldly affairs, and plunged eagerly into the pursuits and intrigues of worldly ambition. Great prelates and abbots were chosen from among the princes and nobles of the land,—men of the world steeped in all the vices of the age, with just craft enough to take advantage of the baser superstitions of the still more ignorant laity. The junior branches of the great houses were introduced into the church to promote the family aggrandisement. The education of these dignitaries differed little from that of the youthful nobility; and now the avidity with which they pushed themselves into the great sees and benefices, and the facility with which they obtained them, more than compensated for the prodigality by which their ancestors had impoverished themselves to enrich the

churches. When interest and intrigue failed, forcible intrusion was no unusual mode of induction. Benefices were lavished upon the spies, the minions, the bastards of the sovereign and his grandees. Princes and men of note whom it was expedient to remove to a distance from political life, were established or exiled in monasteries, or abbeys, or priories, to be out of the way of political rivals. Thus the body of superior clergy gradually cast off the outward decency of demeanour, as well as the virtues, which distinguish the priest from the layman; and thus, by a moral decay inherent in the system itself, was the magnificent scheme of Charlemagne and his sagacious counsellors signally defeated. The political power it vested in the clergy remained; but in opposition to, rather than in connection with, the state. The alliance was dissolved, and the latter was left in a state of utter weakness and bereavement.

Church and state alliance; its general result.

The violent ferment to which this state of things conduced, naturally tended to obliterate every intelligible idea of the boundaries between the competency of the temporal and spiritual powers. Charlemagne had, indeed, called in the church as his confederate in the great work of civilised government; and he rewarded her with a large share of the anticipated profits to be derived from the alliance. But he did not intend that she should hold her acquisitions on any conditions differing materially from those by which the estate of the laity was governed. Few sovereigns watched more carefully over the preservation of the *dominium supremum*. His error lay in not discovering that what was so clear in his own mind was not equally so to others: he did not find out that he was in his own person the sole support and keystone of the structure he had founded, and that, after his death, the very men who had helped him to raise it would, in their futile attempts to melt the two elements into a closer union, overthrow the balance altogether; that they would compass the absorption of the political in the spiritual power, and throw wide open the floodgates of that corruption which incapacitated all classes

alike for a discreet or an honest exercise of their respective rights.

Vitality of the church, how sustained.

Up to the close of the period we are now describing the material gains were all on the side of the churches. But these gains were altogether of a secular nature; nothing was lost, as nothing was gained, in their spiritual capacity. The church constitution had a vitality of its own, strong enough to maintain itself even under the load of obloquy contracted. Indeed, what seems to us to have contributed most powerfully to its permanence was that strange obtuseness of moral feeling which appears to have prevailed at this period,—more widely, perhaps, in Italy than in any other part of Christendom, not even excepting the degenerate Greeks themselves. Even at the lowest depth of degradation—the reign of prostitution, or, as we shall take leave to call this novel form of government, the Hetærocracy—in Rome and Lombardy, we hear no sound of that moral indignation which, in any other age, must have hurled its minions from their polluted thrones. The contingency, however, seems almost to have been provided for by the decretalists. And here lay the great merit of the scheme. The brazen effrontery with which it covered up the moral disorders of pontiffs, bishops, and clergy, established a league of immorality between them which closed the mouth of reproof. Not a whisper of reform was heard; not a movement of indignation is discoverable throughout this century of wickedness and degradation. The moral powers of Latin Christianity slept profoundly beneath the mass of corrupt self-seeking and worldly passions which overlaid them. And in this state they continued to exist till, in the latter time, they were once more drawn forth by the wand of the foreign enchanter, to be finally delivered over into the hands of a succession of hierarchs fully prepared to take advantage of that reaction by which such extreme conditions of the human mind are sure to be followed.

Yet it is not to be understood that this deplorable state of degeneracy was wholly imputable to sacerdotal corruption. Other causes were at work which materially

contributed to aggravate the evil. The unaccountable incapacity of the descendants of Charlemagne, and the public calamities, which hardened and brutalised the mind of the subject, had a great share in producing the result complained of. Charles the Bald, and his brothers Lothar and Louis the German, were too busily engaged at home in plotting each other's ruin to bestow much attention upon Italy. Soon after the contest between the sons of Louis the Pious had been brought to a temporary close by the treaty of Verdun,[1] the Normans began to visit the coasts of France and Belgium with fire and sword. Their ravages soon extended over the richest and most fertile provinces of those regions. About the same period vast swarms of the great Sclavic race spread themselves over the eastern frontiers of Germany, and for many years gave full employment to the energies and resources of the sovereign and his subjects. In Italy and the south of France, Saracens, Normans, Lombards, and Greeks contended with one another—sometimes in alliance, more frequently in arms—which should collect and carry off the greatest number of captives and the largest amount of plunder from the ruined provinces of Sicily, Calabria, Apulia, and Campania.

Political stimulants of moral corruption.

In this emergency, all the public force that could be spared from the demands of intestine discord was expended in resistance to foreign enemies. The Emperor Louis II. rendered, indeed, good service against Greeks and Saracens; but in order to collect the military and pecuniary means requisite for his operations in the field, he was compelled to alienate the domains and prerogatives of the crown to such an extent, that at his death little or nothing remained to his successor. The theoretical reserve of the supreme judicature, the duties of fealty, military service, and a few other less important rights of the crown, meant nothing in the hands of a prince who, in parting with his administrative powers, had at the same time divested himself of the means of compelling their performance. Thus when, after his coro-

Dissolution of government.

[1] A.D. 843. See Book VI. c. v. p. 149 of this work.

nation, Charles the Bald quitted Italy, his viceroy Boso of Provence found himself destitute of all power to check the insolence or to enforce the obedience of the feudal and ecclesiastical aristocracy; and thus it happened that popes and bishops, dukes, counts, and markgraves, at their leisure divided out among themselves all the remaining rights of sovereignty over the whole surface of the country. By this time the independent proprietary had well-nigh disappeared from the land, and the sovereign was deprived of all support from the body of the people; the crown—which in all aristocratic polities is the natural refuge of the suffering classes—could afford no relief from feudal oppression; and many of those who had managed to escape the thraldom of the great feudatories congregated in the more important towns and cities, and there for a time upheld the royal counts and magistrates in the exercise of their offices, and maintained, as well as they could, the administrative authority of the crown. But in all but the capital cities the direct signiory had fallen from the hands of the king; the free communities had sunk into dependence upon their bishops, without a present prospect of recovering that municipal independence they had enjoyed as long as the scheme of Charlemagne continued in operation.[m]

[m] The short chapter we have devoted to this sketch of the state of Italy at the close of the ninth and during the greater part of the tenth century is not encumbered with quotations or footnotes. The substance, however, has been collected from the Capitularies of Charlemagne, and a variety of writings consulted in other portions of this work; as well as from the works of modern writers, principally the Histories of the Italian Republics and of France by *M. Sismondi*, together with Professor *Leo's* recent History of the Italian States.

CHAPTER II.

OBSCURATION OF THE PAPACY.

Marinus pope—Hadrian III. pope—Stephen V. pope—National calamities and demoralisation—Formosus pope—State of the papacy at the accession of Formosus—Deposition of Charles the Fat—Decline and fall of the Carolingian dynasty—State of Italy—Guido and Berengar—Berengar I. elected king of Italy—Louis elected king of Provence—Berengar I. a vassal of Germany—Arnulph in Italy—Arnulph and Pope Formosus—Retreat of Arnulph—Expulsion of the Germans—Party struggles in Rome—Atrocities of Pope Stephen VI.—He is murdered—John IX. pope—Benedict IV. pope—Calamities of Italy—Dethronement of Berengar I.—Louis of Provence and Berengar—Pontifical murders and murderers in Rome—Theodora and Marozia—Government by prostitution—Sergius III. and Marozia—John X. pope—His successes—Berengar I. emperor—Rodolph of Provence in Italy—Death of Berengar I.—Marozia mistress of Rome—Ermengarda and Marozia—Hugo king of Italy—Murder of John X.—Leo VI., Stephen VII., John XI., popes—King Hugo marries Marozia—Hugo driven from Rome by Alberic of Spoleto—Alberic consul of Rome—The Roman republic—Constituency—Government of Alberic—Nominates the pontiffs—Decline of the papal power; its causes—Death of Alberic and election of Octavian (John XII.)—Popes between the years 928 and 956—Leo VI.—Stephen VII.—John XI.—Leo VII.—Stephen VIII.—Marinus II.—Agapetus II.—Position of John XII. as pope—Reunion of the sacerdotal and political powers of the papacy—The imperial crown in the hands of the popes.

We propose to pass over the dreary period of papal inaction which lies before us as rapidly as may be consistent with a due regard to its connection with the momentous events of the eleventh century. During this period the theme is almost wholly of a political character; or, if in any degree mixed up with the religious element, it is only to reveal more clearly its tedious and offensive aspect. Pope John VIII., as already observed, was succeeded in the year 882 by Marinus, the legate of Pope Nicolas I. at the council of Constantinople in 869.[a] Neither at his election nor consecra- Marinus pope.

[a] *Fleury* (H E. tom. xi. p. 528) describes him as a missionary bishop having no fixed see, and archdeacon of the Roman church.

tion do we hear of the imperial consent being asked or obtained. The influence of the nominal emperor Charles the Fat in Italy was, in fact, extinct as soon as he turned his back upon the country. Marinus held the see of Rome for the short period of one year and a few months, and was succeeded, in the month of March 884, by Hadrian III., of whom even less is recorded than of his predecessor. He occupied the chair for a term of sixteen months only, and died on a journey to the court of the emperor, who had invited him thither, it is said, to help him in procuring the elevation of his spurious son Bernhard to the throne of Germany.[b] After the death of Hadrian III., the Romans chose Stephen, a person high in the confidence of the preceding pontiffs, and enjoying a good reputation for modesty and probity of life. But his lot was cast in evil times. A few months before his election the Saracens had stormed and destroyed the wealthy monastery of Monte Casino, slain the monks, and carried away the treasures collected within its walls to their recent settlement on the Garigliano. Flights of locusts consumed every herb and green thing within the Roman territory; and when this plague disappeared, drought and famine completed the desolation of the land. But, worse than all, a moral blight had fallen upon the heart and mind of the people, far more destructive to the life and well-being of society than the natural ills they were doomed to endure. Peculation and pillage, the harbingers of more serious evils to follow, had infected every class of persons to whom opportunity to cozen, to rob, or to steal, lay open. When Pope Stephen, a few days after his consecration, held a visitation of the palace of the Lateran, in the presence of the imperial commissioner and of the senate and clergy of Rome, it was found that at the moment of the death of his predecessor the treasury of the church had been emptied, and that the granaries and cellars had been pillaged, leaving the new pontiff destitute of the funds set apart for the payment of the mercenary militia, the

Hadrian III. pope.

Stephen V. pope.

National demoralisation.

[b] *Annal. Fuld.* ann. 885, ap. *Pertz*, i. p. 402.

redemption of captives, and the relief of the intolerable sufferings under which the people were then groaning from pestilence and famine.[c]

Formosus pope.

Pope Stephen V. enjoyed a reputation for sanctity of life and practical benevolence becoming his great office; and from his lips issued the last sounds of that imperial thunder which had so often startled the Christian world. For more than a century to come, the voice of her cursings was about to die away into a whisper—the throat which had uttered them was hoarse with its own debaucheries. Pope Stephen V. was followed in the papal chair by Formosus bishop of Portus, whom John VIII. had pursued through life with unrelenting animosity.[d] Marinus had restored him to honour and estate in the church, and at the death of Stephen V. he was the popular candidate for the papal chair. His pontificate marks the beginning of the evil times; after him the spiritual character of the popes merged into that of a chief or a mere tool of faction. At the commencement of this turbulent pontificate, the internal relations of the Roman republic had become more precarious and uncertain than at any previous period of its history. Its powerful protectors had vanished from its side; and it was now surrounded by a host of feudal dynasts, from whom no steady support or assistance could be expected. A few leading circumstances in the history of the downfall of the Carolingian princes will throw a useful light upon the actual position of the papacy at the moment Pope Formosus ascended the disputed chair of Peter.

State of the papacy at the accession of Formosus.

In France the grandsons of Charles the Bald, Louis III. and Carlmann, had died without legitimate issue.[e] The same fatality pursued the princes of the branch established in Germany. Carlmann king of Bavarian Germany died in the year 880, leaving only Arnulph, an illegitimate son,

[c] *Anastas.* Biblioth. ad Vit. Steph. VI. (V.), ap. *Murat.* tom. iii. p. 270 A. B. C. The pontiff supplied the necessary funds out of his own private means.

[d] According to *Luitprand* (Hist. Longob.) Formosus had been obliged to take refuge in France from the resentment of Pope John VIII., who had deposed him from the episcopate. See the full extract from *Luitprand*, ap. *Ciacone*, Vit. Pont. tom. i. pp. 675, 676.

[e] The latter in the year 885.

whom he had created duke of Carinthia. In the month of January 882, Louis king of Saxon Germany died without issue; and Charles, surnamed the Fat, whom John VIII. had crowned emperor in the year 881, was now the only remaining direct male representative of the Carolingian race. Three illegitimate branches, however, survived, in the persons of Arnulph of Carinthia, Bernhard duke of Swabia, a son of the Emperor Charles the Fat, and Charles, surnamed the Simple, issue of Louis III. of France by an irregular marriage. After the death of the survivor of the legitimate descendants of Charlemagne, Charles the Fat enjoyed the empty honour of reuniting for a few years all the Carolingian kingdoms in his own person. But his shameful incapacity and debauchery disgusted his subjects, and extinguished the last spark of loyalty in their breasts. In his anxiety to secure the succession to his spurious son Bernhard, he ventured upon the hazardous experiment of assembling a general diet of the empire at Tribur on the Rhine. The meeting eagerly seized the opportunity of signifying their unqualified rejection both of the father and the son; Charles was unanimously deposed, and the duke of Carinthia was elected king by the Germanic section of the diet. Charles retired from the assembly as a harmless, almost unnoticed, outcast, and spent the last few months of his worthless life upon an estate in Swabia he was allowed to retain for a subsistence; and there he died, on the 12th of January 888.[f]

Deposition of Charles the Fat.

The dethronement of the last legitimate male descendant of Charlemagne threw the right of choosing their own sovereigns into the hands of the vassalage of the several constituent kingdoms of the empire. No doubt, however, seems to have existed, nor any question to have been raised, as to the necessity of a head or chief, with the name of king, to preside over and direct the public force. Though almost all the estate, revenue, and substantial prerogatives of sovereignty had been long since surrendered to the feudal

Decline and fall of the Carolingian dynasty.

[f] *Annal. Fuld.* ann. 887, ap. *Pertz*, i. p. 405; *Regino*, Chron. ann. 887, 888, ibid. pp. 597, 598.

tenants of the crown, no one of them reposed so confident a trust in his power to maintain his independence as to dispense with that bond of union which never presented itself to his mind in any other shape than that of allegiance to a sovereign head. Attachment to the recollections of that glorious reign which had transferred the sceptre of empire to the Frankish race, and placed them at the head of the nations of the earth, contributed perhaps as much as any other cause to the national condonation of the follies and vices of the later Carolingian sovereigns. This sentiment survived the extinction of the legitimate branch, and supported the claim of the gallant Arnulph of Carinthia upon his Germanic countrymen. The Neustrian constituencies in the first instance, however, passed over the claims of Charles (surnamed the Simple), the equivocal offspring of the feeble Louis II.[g] (*le Bègue*), on account of his extreme youth at the time of the vacancy; and chose Eudes, or Odo, earl of Paris to be their king. But, harassed on the one hand by the triumphant advances of the Normans, and on the other by rival claimants to the crown, he obeyed the summons of King Arnulph of Germany; and, at a diet held at Worms in the year 888, placed his crown in the hands of the latter, and received it back as a feudatory of that empire, to which Arnulph laid claim in right of his great ancestor.[h]

State of Italy.

The kingdom of Italy was at the same time in abeyance. At the moment of the vacancy there was no prince of France or Germany ready to grasp the sceptre, or to maintain it against the lords of the land. Foremost among these stood Berengar of Friuli and Guido, or Wido, duke of Spoleto. Berengar was a great-grandson of Charlemagne through his mother Gisela, a daughter of Louis the Pious. Guido, by birth a Neustrian Frank, was also

Guido and Berengar.

[g] He was a posthumous child, born the year after the death of his father (879).

[h] Arnulph of course disallowed his own illegitimacy. But, in fact, if in that age the natural descent was unimpeached, the question of legitimacy concerned rather the church than the laity. Canon-law and social prepossessions were frequently at variance; and nothing was more common than for a gallant bastard to carry off the inheritance, either when there was no direct descendant of the last possessor, or when the heir was too weak to make good his claim.

a reputed descendant of the emperor through a female. In extent of hereditary possessions he had greatly the advantage of his rival. Besides large territories in the kingdom of Lorraine, he occupied the great duchy of Spoleto, embracing a tract of country which surrounded and closed in upon the Roman territory from the confines of Tuscany to the borders of Beneventum. In such a position, Guido was the most formidable, and might be the most useful, neighbour of the Roman pontiffs. Berengar, however, enjoyed the advantages of undeniable descent, and of those personal qualities which were most acceptable to the age and nation. He was an Italian by birth, and a man of active habits and stirring spirit. After the failure of the legitimate males of the house of Charlemagne, he might be regarded as the next in the natural succession; and, with all these claims, the estates of Lombardy unanimously raised him to their throne.[i]

Berengar I. king of Italy.

About two years after the election of Berengar, Irmengarda, widow of Boso king of Provence, with a view to promote the elevation of her son Louis to the throne of that country, made overtures to the pope (Stephen V.) and to Arnulph of Germany to engage their interest with the estates of Transjurane Burgundy to accomplish her purpose.[j] Arnulph seized the opportunity of adding this rich and flourishing region to the other dependencies of his empire; and with his countenance, and the advice of the pontiff, the estates of Provence were prevailed upon to choose Louis as their king, under the joint guardianship of his mother and uncle, Duke Richard of Burgundy.[k]

Louis elected king of Provence.

But the Germanic section of the Frankish dominions regarded Arnulph as the proper representative of his

[i] *Luitprand*, Hist. Longob. lib. i. c. vi.; *Murat.* tom. ii. p. 429.

[j] A.D. 890. The kingdom had, after the death of Boso (886), fallen back to France. This kind of interregnum had lasted about four years. (N.B. The descent of Louis the Blind from Charlemagne was in the fifth degree, through his grandfather the Emperor Louis II., the great-grandson of Charlemagne. See the pedigree, ap. *Leo*, Gesch. v. Ital. i. p. 287.) Louis was a child at the time, under the guardianship of his mother.

[k] *Vaissette*, Hist. de Languedoc, tom. ii. pp. 25, 27.

great ancestor, and themselves as the especial centre and nucleus of the empire he had founded. The king himself abated no jot of those pretensions to which, as head of the dynasty, he and his people considered him entitled. When these pretensions were enforced against Berengar, that prince found himself in no position to resist. At the first summons, therefore, he dutifully waited upon his powerful neighbour at Trent, to which city the latter had advanced with a force to which he could oppose no effectual resistance; and there he did homage, and received investiture of the kingdom of Italy as part and portion of the imperial dominion.[l]

Berengar I. a vassal of Germany.

But at this very time the crown of Berengar was in imminent peril from the formidable claims of Guido of Spoleto. That prince had, with the assistance of his French vassals, expelled his rival from the greater part of Lombardy; and, with a view probably to prove to the world how little he was disposed to acknowledge any foreign superior, he caused himself to be crowned emperor by Pope Stephen V. With the assistance, however, of German auxiliaries, liberally supplied by Arnulph,[m] whose interests in Italy were for the moment identified with those of his vassal, Berengar was enabled to maintain himself for a time. Yet no sooner had the German auxiliaries turned their backs than Guido regained the upper hand; he caused his son Lambert to be crowned emperor by Pope Formosus in the year 894, and died the same year of the rupture of a blood-vessel. But in the year following Arnulph found himself relieved from the difficulties which had hitherto prevented him from pursuing his designs against Italian independence. Pope Formosus was at this moment hard pressed by domestic faction. In his difficulties he implored the aid of the Germanic king; and the latter, accompanied by an

Arnulph in Italy.

[l] *Annal. Fuld.* ann. 888, ap. *Pertz*, i. pp. 405, 406, and note (9) to the passage. Conf. *Leo*, Gesch. v. Ital. i. p. 288.

[m] Under Zwentobold, an illegitimate son of Arnulph. *Luitprand* affirms that the detachment was baffled by Guido, who had entrenched himself so strongly in advance of Pavia that the Germans were compelled to give up the attempt to force the position. See Hist. lib. i. c. vii. p. 429.

imposing military force, besieged and took by storm the strong city of Bergamo; and, under the terror inspired by unsparing military executions, was enabled to traverse Italy to the gates of Rome without resistance. The party of Lambert made an unsuccessful attempt to defend the city; and Arnulph received the imperial crown at the same hands that had so shortly before conferred that dignity upon the son of Guido.[n]

Arnulph and Pope Formosus.

In the course of the preceding revolutions Pope Formosus had fallen helplessly into the hands of the Spoletan party. Overborne by the power of Guido, and, after his death, the sport of his widow Agilrude and her son Lambert, he had anchored all his hopes of deliverance on the distant king of the Germans. Rescued from bondage by the opportune arrival of Arnulph, he took ample revenge on the domestic enemies who had fallen into his power after the storming of the city by his German auxiliaries. He caused the Romans to renounce the party of Lambert, and to swear fidelity to the Emperor Arnulph,[o] who at his request consigned his captives to the scaffold. The most formidable, however, of his opponents, the cardinal priest Sergius, escaped his toils; the Lambertine party took refuge in Spoleto, trusting for their safety probably rather to the effects of the Italian climate upon the northern constitution than to their means of resistance. When the emperor turned his arms against them, he found his troops

Retreat of Arnulph.

so reduced by disease, and so disheartened by the debilitating effects of heat and malaria, as to be incapable of further operations in the field. His own health had suffered severely; and his vassal Berengar, satisfied with the humiliation of his rival, and vexed by the exactions of his barbaric allies, withdrew his support. No course remained to the emperor, to save his own life and that of the surviving remnant of his army, but a speedy retreat. This operation was successfully accomplished; and Arnulph crossed the Alps with a broken

[n] *Luitprand*, Hist. cc. vii. and viii. p. 430.

[o] "Salvo honore et lege mea, atque fidelitate Domino Formoso papæ," &c.

constitution and a crippled army, leaving a garrison under Maginfred, a brave and experienced soldier, in the city of Milan.[p]

Expulsion of the Germans.

The retreat of Arnulph opened a prospect to the Italians of deliverance from a foreign yoke, though not from their own intestine divisions. All parties, in fact, appear by this time to have perceived that nothing was to be gained by the German alliance but spoliation and servitude. Lambert had followed closely upon the heels of the retreating Germans, and speedily made himself master of Pavia; and Berengar, after the death of Walfred markgrave of Friuli,—a faithful adherent of the emperor,—was delivered from all further apprehension. These princes now came to an amicable compromise, by which Berengar obtained the whole tract of the country lying to the northward of the Po and to the eastward of the Adda, leaving the remainder of the kingdom in the peaceable possession of his rival.[q] Nothing now remained to Arnulph in Italy but the city and garrison of Milan, under the command of Maginfred. With the assistance of Berengar, Lambert laid siege to the city; and after a long and desperate resistance the German garrison was overpowered, and the commander taken out and hanged before the walls.[r] But in the following year Lambert was killed by a fall from his horse in the chase, and Berengar was hailed sole king of Italy.[s]

Party struggles in Rome.

Though the German interests in Italy generally were now at the lowest ebb, a strong party still existed in Rome in favour of the imperial connection. They were opposed to the Spoletan faction, represented by the rival Emperor Lambert. Pope Formosus is believed to have fallen a victim to the animosity of the Lambertine faction; but at his death the imperialists, with the aid of the populace, carried the election in favour

[p] *Annal. Fuld.* ann. 895, 896, ap. *Pertz*, tom. i. pp. 411, 412; and conf. *Luitp.* Hist. lib. i. c. viii. p. 430. *Luitprand* attributes the retreat of Arnulph to a deleterious draught, administered to him by the procurement of Guido's widow, who had bribed one of his confidential servants.

[q] *Ann. Fuld.* ubi sup. p. 414: conf. *Leo*, ubi sup. p. 291.

[r] As a punishment, it is said, for his desertion of the Italian cause.

[s] See the authorities above quoted.

of Benedict VI. This pope, however, died within a month of his elevation; and Sergius, the bitter enemy of Pope Formosus, was raised to the throne by the title of Stephen VI. As soon as the new pontiff came into possession of the Lateran, he caused the body of his adversary Formosus to be exhumed; a mock trial was got up, at which the corpse was dragged into the assembly clad in the pontifical robes. The dead body was then solemnly arraigned and interrogated upon the charge that he, being a bishop, had impiously, and against the canons, translated himself to the holy see. Sentence of condemnation and deposition was then passed in due form; the body was stripped piece by piece of the pontifical ornaments, the three fingers of the right hand were cut off, and the head severed from the body; after which process the mutilated trunk, with the amputated members, were ignominiously thrown into the Tiber. This atrocious farce was followed by a general abrogation of all the ordinations and of every functional act of Pope Formosus. The terror inspired by the Spoletans sufficed to maintain the intruder upon the polluted throne for the space of little more than a twelvemonth. But as the impression of these atrocities, and probably of others not recorded, gradually subsided, the imperial or popular party once more obtained the ascendency; Stephen VI. was thrown into prison, and strangled in his dungeon.[t] The victorious faction raised Romanus, a nephew of Pope Marinus, to the throne; but he sat for little more than four months, and was succeeded by Theodore for the short period of three weeks. In the year 898 the Spoletan party had, it seems, again got the better of their opponents, and raised a Benedictine friar to the throne, by the name of John IX. As an act of justice to the memory of Formosus,—probably also in deference to the outraged prepossessions of the clergy of his party,—the new pontiff formally abrogated the pseudo-synod of Stephen VI.,

Atrocities of Pope Stephen VI.

He is murdered.

John IX. pope.

[t] See the authorities collected ap. *Ciacone*, Vit. Pont. tom. i. pp. 681, 682: conf. *Concil. Hard.* tom. vi. pp. 487 et sqq., and *Luitprand*, lib. i. c. viii. p. 430.

and restored the priests whom he had deposed; but in the same breath he approved the grounds of censure against Formosus, and ordered that thenceforward the canonical precept against the translation of a bishop to a strange see should be strictly observed.[u]

After the death of John IX., in the year 900, the Spoletan, or Lambertine, party placed Benedict IV., a canon regular of the Lateran, upon the throne. This pontiff had the good fortune to retain his see for the now unusual term of three years and six months. The Roman factions within this disastrous period disposed of the papal crown very much after the fashion of Prætorians at Rome or Janizaries at Constantinople. If a natural death failed, as soon as desired, to set free the unhappy head of the church, a violent end as surely awaited him; unless he could find shelter under the black wing of that corruption which darkened the whole atmosphere of civil and ecclesiastical life in Rome. In the year of Benedict's election, the north of Italy was visited by a merciless invasion of tribes known by the name of Magyar,—usually confounded with the ancient Hunnic race,—inhabiting the plains of modern Hungary. This swarm crossed the Julian Alps, and depopulated the most productive districts of Lombardy. Upon their return, laden with plunder, they were incautiously pursued by Berengar; the Magyar turned on their enemy, and almost annihilated his army.[v] The loss of credit which followed upon this defeat stimulated that love of change which had become epidemic among all classes, more especially among the great feudatories of the crown. Adalbert markgrave of Tuscany, and other powerful lords, resolved upon a change of dynasty;[w] and called Louis of Provence, the vassal king of Arelatensian Burgundy,[x] to their throne. Forgetful of his allegiance to the German crown, Louis accepted the call of the factious Lombards; and in the

Benedict IV. pope.

Calamities of Italy.

[u] See § ii. of the Roman council, ap. *Hard.* ubi sup.

[v] *Luitprand*, Hist. lib. ii. cc. v. vi. p. 436.

[w] Because, says Luitprand, the Italians always liked to have two masters, that they might play off one against the other. Hist. lib. i. c. x. p. 431.

[x] The son of Boso and Irmengarda; see p. 442 of this chapter.

same year proceeded to Rome, where he was crowned emperor by Pope Benedict IV.[y]

Dethronement of Berengar I.

Berengar had made no attempt to defend his throne against this universal defection. He retired into Bavaria, there to await the chances of the game which had stood his friend in more than one emergency of his checkered life. Louis, whom neither oaths nor capitulations could bind, soon showed a disposition to clip the wings of those who had raised him to the throne,—perhaps to check the encroachments, and curtail the immunities, of the great feudatories. In a trice the jealous magnates made up their quarrel with Berengar, and Louis found himself in even a worse position than that to which only a few months before he had reduced his rival. The phantom emperor became a prisoner in the hands of his new subjects, and was reduced to the necessity of compounding for a safe retreat from Lombardy by a solemn oath never again to show his face across the Alps. But in this age oaths and promises went for little in the political market. The Burgundian party was kept alive by Andrew archbishop of Milan; and Louis, encouraged by his powerful support, and reckoning upon the epidemic love of change which threatened to overwhelm all political association, appeared before Pavia with an army, against which no military preparation had been made. Berengar retreated, and was followed by his rival as far as Verona. Here a rumour of his death lulled Louis into fatal security: in the dead of the night he was surprised in his palace, and as the punishment of his perjury deprived of his eyesight. In that pitiable plight he was allowed to return into Burgundy; and Berengar appeared more firmly seated on his throne than at any previous period of his adventurous career.[z]

Louis and Berengar.

After the death of Benedict IV. (A.D. 903) Rome be-

[y] A.D. 901. Arnulph had died on the 29th Nov. 898, and the imperial dignity was vacant. See *Ciacone*, Vit. Pont. i. p. 687.

[z] *Regino*, Chron. ann. 905, ap. *Pertz*, i. p. 610. The *Anonymous Panegyric* on Berengar, ap. *Murat.* ii. pp. 404, 405 (De Laudibus Berengarii), confounds persons and dates so as to render the work almost useless as an authority. See also *Luitprand*, Hist. lib. ii. cc. x. xi., ap. *Murat.* ii. pp. 439, 440.

came the arena of party warfare, stimulated to ferocity by the unexampled corruption of manners which infected every class of society. The succeeding pontiff, Leo V., had hardly sat for the period of two months before he was supplanted and murdered by his own chaplain and confidential friend Christopher,—probably with the support of the imperial or popular party in Rome. The usurper held the chair of Peter for six uneasy months; and in June 904 yielded throne and life to Sergius III., a member of the powerful family of Counts of Tusculum, whose history from this moment becomes interwoven with both that of the republic and the pontificate.

Pontifical murders and murderers in Rome.

Theodora, widow of the late Count Alberic of Tusculum, a woman, we are told, of great personal beauty and talent, had two daughters, Marozia and Theodora the younger. These women inherited their mother's accomplishments of person and mind, and are believed to have governed all parties in Rome by their fascinations; and, when any purpose of importance was to be answered, by the indiscriminate prostitution of their persons. In this species of traffic Marozia, the elder of the two, was the bolder and the more successful practitioner. She neglected no artifices to draw influential men of opposite parties and interests into the enchanted circle of her beauty; and when there, they became the devoted slaves of her wishes and pleasures. Every service, no matter whether performed by noble or man of low degree, was readily requited in the manner most familiar to the profligate bestower, and, as it seems, most acceptable to the deluded recipient. We do not meet with a parallel in history to the species of infatuation which Rome and Italy exhibited at this singular period. To that country belongs the equivocal credit of introducing to the political world a new form of government, which, for want of a decent designation in any living language, we take leave to denote by that of the Hetæro-cracy. The illustrious birth of these women gave a value to their condescensions. At the same time, they were possessed of wealth and power;

Theodora and Marozia.

Government by prostitution.

through their minions and dependents they kept the command of a body of armed retainers, and occupied fortified posts within the city, with many strongholds in the immediate vicinity. Besides these sources of influence, it may be observed that their numerous lovers among the Roman *capitani* and gentry held themselves entrenched in their own fortified houses, or among the massive remains of the ancient tombs and palaces, which they had converted into as many forts and castles, whence they were in the habit of bidding defiance to the laws and carrying on their private feuds. Among this class of persons the influence of the two courtesans appears to have been paramount; and it must be admitted that the latter used it to check that scandalous and pernicious party warfare which for many years past had disgraced the city and rendered government almost impossible.[a]

Sergius III. and Marozia.

Between Marozia and Sergius III. an intimate union both of interests and affection subsisted; she had borne him a son,[b] and she now divided with him the government of the Roman church and republic. Within the charmed circle of the Tusculan enchantresses, Sergius III. maintained his seat for the unusually long term of seven years. At his death in the year 911, a certain Anastasius, of whose history little is known but the name, figures in the list of Roman pontiffs. When he died, in the year 913 or 914, an ephemeral occupant of the chair of Peter named Lando appears upon the stage, but vanishes within the space of seven months.[c] After

John X. pope.

his decease, Theodora the elder seated a young priest of Bologna of whom she was enamoured upon the papal throne, by the name of John X. Whatever may have been the defects of his election, he proved himself possessed of ability suited to the exigencies of public affairs. He accomplished that which no previous pope had been able to bring to pass; under his auspices an armed coalition was negotiated between the Romans

[a] *Luitp.* Hist. lib. ii. c. xiii. p. 440.

[b] Sergius was the opponent of Formosus, who had escaped the punishment of his accomplices, whom the Emperor Arnulph had put to death by the desire of that pope. See p. 444 of this chapter, and *Luitp.* loc. cit.

[c] Conf. *Ciacone*, Vit. Pont. tom. i. pp. 694, 695; *Art de vérif.* &c. tom. i. p. 269.

and the provinces of Beneventum, Capua, and Spoleto, against the strong Saracen settlement on the Garigliano: he even succeeded in persuading the Greek Emperors Alexander and Constantine Porphyrogenitus to send a body of auxiliary troops to support the coalition. In this holy war the pontiff buckled on armour, and led his troops in person into the field. The enterprise was crowned with perfect success, and the pope returned with the reputation of a bold and skilful warrior.[d] Amid the grateful acknowledgments of churches and people for this great deliverance, the objections to his prior career were lost sight of. Congratulatory addresses, we are informed, poured in upon him from far and near; and he who was but shortly before this success a "thief and a robber," a "wolf in the Lord's fold," was by this legitimating process purified and exalted to the reputation and dignity of a true shepherd and a genuine successor of St. Peter.[e]

His successes.

Meanwhile Berengar, in the north of Italy, had found more than occupation enough in defending his frontiers against the Hungarian hordes, who were busy spreading slaughter and devastation over almost every province of Germany and Italy. Pope John X. had, indeed, engaged him in his expedition against the Saracens; but he never advanced further than Rome, where, in the hope of his zealous coöperation, the pope conferred upon him the imperial crown. The only service, however, which he performed in return for the splendid bribe, was to leave behind him a small body of troops for the security of the capital during the absence of the pope. Alarmed by information that the Lombard vassals had taken umbrage at his assumption of the imperial crown, he hastily retraced his steps into Lombardy. The conspirators there—among them chiefly the Count Gieselbert, Adalbert markgrave of Ivræa, and Lambert archbishop of Milan—had invited Rodolph, regent or king of Arelatensian Burgundy,[f] to assume the crown

Berengar I. emperor.

[d] *Luitp.* Hist. lib. ii. c. xiv.; *Murat.* ii. p. 441.

[e] Conf. *Baron.* ann. 915, § 3.

[f] After the calamity of King Louis the Blind.

Rodolph of Provence in Italy.

of Lombardy, and to that end to assist them in the dethronement of Berengar. Rodolph accepted the offer; he invaded Lombardy, defeated the emperor, and drove him for refuge to his devoted Veronese subjects. But Rodolph was soon disgusted with his arrogant and unmanageable supporters, and retreated into Burgundy, leaving his confederates to fight out the battle on their own account. By the aid of a considerable body of Hungarian mercenaries, who spread terror and dismay wherever they appeared, Berengar managed to protract the war, with some prospect of bringing it to a successful issue. But the hand of an assassin brought his career to a sudden close at Verona, in the year 924; and laid open the crown to a competition of profligacy and venality closely akin to that which at this moment prevailed in Rome.[g]

Death of Berengar I.

Marozia mistress of Rome.

Meanwhile at Rome Theodora the elder had disappeared from the stage, and her daughter Marozia figured at the head of affairs as the wife of Alberic markgrave of Spoleto and Camerino. The contest for power now lay between her and the pope, John X.; and by the unscrupulous use of her unfading charms she appears to have placed herself and her new husband in possession of the city, or the more important posts within the walls. Though a short time afterwards Alberic was slain in an affray with the pontifical party, the influence of Marozia seems to have suffered but a momentary check. The hearts—or more properly the senses—of the Roman nobles and *capitani* were inexplicably enthralled by the fair widow; and she could soon again reckon among her adherents the possessors of the strongest of those forts and fortified posts which abounded in all parts of the city. She herself occupied the mole of Hadrian,—or, as it is now called, the castle of St. Angelo—and from that central position she was able to control

[g] The sole authority for these facts is *Luitprand*, Hist. lib. ii. cc. xiv.-xx. His lengthy narrative is here given in a close abstract, with a view only to the connection of these events with papal history. The bombastic poem entitled "De Laudibus Berengarii," inserted by Muratori in the 2d vol. of his Ss. Rr. Ital. p. 487, is scarcely worth the perusal. The ruin which Berengar brought upon his country by calling in the Hungarians to his assistance is the worst feature in his reign, and the darkest blot on his memory.

or disturb the government of the able and active pontiff. With these guarantees for her power within her grasp, she offered her hand, and as much of her heart as she could spare from the demands of her numerous lovers, to Guido markgrave of Tuscany. That prince eagerly appropriated the prize; and, uniting his forces with those of his envied bride, drove the pontiff into exile, and made her the absolute mistress of Rome.

Ermengarda and Marozia.

After his expulsion from Rome, the pope had taken refuge at the court of Hugo, the son of Ermengarda, granddaughter of the celebrated Waldrada, wife or mistress of Lothar II. of Lorraine, through a daughter named Bertha. This Bertha, stepping into the rights of a legitimate child, had married, suitably to her princely rank, Dietbald count of Arles in Provence, to whom she had borne a son named Hugo. After her husband's death, she espoused Adalbert of Tuscany, and had issue Guido, who followed his father as markgrave of that province, and a daughter, the beautiful and accomplished Ermengarda, at this moment the widow of Adalbert markgrave of Ivræa (Piedmont). Guido, therefore, the husband of Marozia, and Ermengarda were brother and sister; a connection suitable in all respects to their respective talents and habits. By the exercise of natural abilities,[h] and the lavish distribution of her personal favours to all whom she thought worth gaining, Ermengarda, like her notorious sister-in-law Marozia, led captive the hearts and arms of the Lombard chiefs. Without distinction of political party, all to whom she thought fit to pay the stipulated price became the instruments of her will. After the death of her mother Bertha, all her energies of mind and person were devoted to the elevation of her half-brother Hugo to the crown of Italy. Rudolph of Burgundy, who had adorned his brow with the iron crown, was the most formidable of her opponents; but he was soon drawn within the magic circle, and hastened to forswear at the

[h] Prof. *Leo* denies her this advantage; but it is incredible that, without a discriminating power in the choice of her favourites, or victims, she could have carried her game so successfully. The same observation applies to Marozia.

feet of his mistress every interest and every duty that might interfere with the gratification of his insane passion. Rejoicing in her cheap victory, Ermengarda flung out her lures in all directions; the infatuation spread like fire in an Indian savannah; and in the year 926 the Lombard nobility invited Hugo into Italy, and conferred their crown upon him at Pavia. The interests, however, of Hugo and his uncle, the husband of Marozia, do not appear to have flowed in the same channel. By the aid of the former, Pope John X. was enabled to return to Rome; but his possession was of short duration; for in the month of May 928 he was surprised in the palace of the Lateran by the satellites of Marozia, and soon afterwards strangled in a dungeon.[i]

Hugo king of Italy.

Murder of John X.

John X. was followed successively by two creatures of Marozia, under the names of Leo VI. and Stephen VII. After the death of the last of these (A.D. 931), she is said to have raised her own bastard by Pope Sergius III.,[j] a youth of only twenty-one years, under the name of John XI., to the pontifical throne. Her second husband, the markgrave Guido, had died in the year 929; and, feeling probably the necessity of powerful support to perpetuate her power, or allured by a prospect of extending her influence over the whole of Italy, she offered her hand to King Hugo, the nephew of her late husband. After the fashion of the times, Hugo did not bestow a thought upon the ecclesiastical objection to the connection; he hastened to Rome to take advantage of his good fortune, and secure the rich prize within his reach. Immediately upon his arrival he was admitted into the castle of St. Angelo, where Marozia held her court, and without delay consummated his nuptials with the Roman prostitute.

Leo VI., Stephen VII., John XI. popes.

King Hugo marries Marozia.

[i] *Luitprand*, Hist. lib. ii. cc. ii. iii. iv., and lib. iii. c. xii., ap. *Murat.* tom. ii. pp. 445, 446, 450, in Abstract. See also *Ciacone*, Vit. Pont. p. 698.

[j] So *Luitprand*; but the learned authors of the *Art de vér.* &c., vol. i. p. 270, controvert his statement. They assure us that John XI. was the son of Marozia by Alberic of Spoleto, and that he was governed and ill-treated by his brother Alberic, the celebrated consul of Rome.

But this filthy conjunction was of short duration. Conscience, which no enormity of wickedness could alarm, might be awakened by superstition. The marriage of Hugo and Marozia was very generally regarded by the public, and openly denounced by the church, as incestuous. Hugo had—perhaps for more purposes than one—denounced the children of his mother by her second husband as supposititious. He caused it to be rumoured abroad that his mother had imposed Guido and his brother Lambert upon her husband as his sons, in order that as their guardian she might succeed to his authority. But this disgraceful slander came too late, and was believed by no one. The charms of the new queen were probably by this time on the wane, or her influence was overclouded by jealousy of the connection into which her ambition had betrayed her. Besides the reigning pontiff, John XI., she had a second surviving son by her first husband, the markgrave Alberic of Spoleto. He was a youth of ability and spirit, and ill bore the northern rudeness and insolence of his new stepfather. The latter, unaccustomed to restrain his brutal passions, had by this time become equally distasteful to the youthful Alberic and to his wife's dependents. In a fit of sudden—perhaps not unprovoked—anger, Hugo inflicted a blow upon his fiery stepson; the latter rushed from his presence, and made a stirring appeal for redress to his countrymen. One sentiment of anger and disgust pervaded his auditors; and a sudden attack upon the castle so terrified the northern intruder, that he dropped himself over the castle-wall, and made all haste to rejoin the escort whom on his advance he had left in quarters at some distance from Rome.[k]

Hugo is driven from Rome by Alberic of Spoleto.

This bold stroke put an end to the enervating and debasing influence under which the very soul of society seemed about to perish. The son consigned his profligate mother to strict seclusion for the remainder of her days, and was himself raised by his admiring fellow-citizens to the dignity of *consul*. The

Alberic consul of Rome.

[k] *Luitprand*, Hist. lib. iii. cc. xii. xiii. pp. 450, 451.

dream of lust and luxury was suddenly transformed into the delirium of liberty; the Romans boasted themselves the descendants and heirs of the virtuous republicans of old; and Alberic was careful not to break in too roughly upon the refreshing vision. But their habits and training were ill suited to free institutions; and it was probably fortunate for them that Alberic, while he indulged them in the enjoyment of the forms of a republic, in fact retained within his own hands all the more important powers of government. The actual municipal constitution of Rome was a narrow aristocracy, or rather oligarchy; the urban nobility consisted of so-called consular families, or *capitani*, who assumed titular distinctions, recalling indiscriminately the forms of republican Rome and of the lower empire. Thus we find among them Consuls, Prætors, and Tribunes, mingled with the Primecerii, Secundecerii, Nomenclatores, Scriniarii, and Judicis Dativi of the Byzantines.[1] But they seem to have had a very imperfect idea of the import of these titles, or of the duties to which they originally referred.

The Roman republic.

The municipal officers who bore these titles performed much the same functions as those exercised by the Italian civic magistracies in general. The city and its appurtenant territory were possessed in full property by the church, the monastic bodies, and a few wealthy families. These persons and corporations divided the lands out among their *massari*, or farmers; and these again among a class called *tributaries*, to be cultivated by serfs or villains attached to the soil. The first, *massari*, are said to have paid rent in kind; the second class, or *tributaries*, in money; the third were mere labourers or slaves of the lord, and tilled the lord's reserve for his benefit, living at his expense and under his protection. The great farmers probably enjoyed the privileges of the feudal tenure; and both tributaries and serfs in process of time stepped into the enjoyment of certain customary rights, which introduced greater certainty into their condition, more especially upon the estates of the church and churchmen. But although we

Constituency.

[1] *Marini* Papiri diplom., as quoted by *Leo*, Gesch. &c. i. p. 300.

read frequently of the "Roman people" (*populus Romanus*) consenting to the election of popes and emperors, it is not to be supposed that the mass, either of the urban or the rural population, exercised any effectual vote or influence in these and the like transactions. All lived alike under the patronage, and contributed by their labours and their numbers to swell the importance, of nobles and gentry, of bishops and abbots and superior ecclesiastics. The higher dignitaries of the church were invariably chosen from among the noble families; and all these, in casual combination or disjunction, gave to Rome its pontiff, and ruled or convulsed the state as it might suit the political tastes or interests of the various factions into which they were always divided.

Government of Alberic.

But, though possessed of no well-defined civil rights, no large civic population can be destitute of an independent weight on occasions of extraordinary excitement; and may, therefore, in such emergencies, carry a popular candidate into power upon their shoulders by the mere momentum of numbers and unanimity. In this way Alberic, like another Peisistratus, was carried by the populace to the castle of St. Angelo, the Acropolis of Rome; and from that fortress he exercised a pacific yet rigorous despotism over the republic. After the example of Augustus, he assumed the title of *Prince of the Romans*, and governed the affairs of the church as absolutely as those of the state. Retaining in his own hands the appointment of the pontiff, he did not overlook personal merit; but wisely excluded his nominees from all participation in the government, and restricted them absolutely to the performance of their religious duties. During the twenty-two years of his active and vigilant administration, he nominated no fewer than four pontiffs,—Leo VII., Stephen VIII., Martin III., and Agapetus II.,—retaining them in unconditional civil and financial dependence upon himself. He gave employment to the citizens, and trained a large body of them to arms, for the protection of the frontiers and the maintenance of the public peace. Hugo himself sought a reconciliation with the author of his disgraceful

Nominates the pontiffs.

expulsion from Rome; he bestowed upon him his daughter Alda in marriage; and, with a view to bind so powerful a friend to his interests, he conferred, as occasion offered, important fiefs and bishoprics upon the connections and relatives of the great consul.[m]

Decline of the papal power; its causes.

But the appearance of a character like that of Alberic upon the scene, in the actual state of Roman society, was a simply accidental circumstance. It is true that the great nobles, or *capitani*, had for years past attached themselves to the persons and interests of the Tusculan family; and that the pontifical authority had receded before the prevailing predilection till it fell helplessly into the hands of the secular estate, and was regarded by the government as a simple instrument of secular policy.[n] The true nature of the political power exercised by the popes in the republic is not very clearly definable; but, upon a general consideration of the contemporary ideas of government, we think that it bore a closer resemblance to that of every subsisting civil state than exactly fits into our notions of an ecclesiastical power. The pontiff, as the ruler of the republic, was in most respects in the position of a king of the Franks, the Germans, or the Lombards: he was the feudal lord of all who held estate of the church under him; his secular power was therefore liable to the same mutations of attachment or disaffection as those to which every existing polity was exposed; and as soon as, in such a state of society as that we have just adverted to, the pontificate became a prize worth fighting for, clergy and laity entered into party combinations of the most capricious character to secure their separate interests in so important a nomination. That up to this period the preponderant influence had rested with the clergy, arose as much from their participation in the views and inter-

[m] *Luitp.* lib. iv. c. i., ap. *Murat.* l. c. p. 452.

[n] *M. Sismondi* (Rép. Ital. du Moy. Age, vol. i. pp. 153 et sqq.) imputes the decline of the papal power to the gradual desertion of the feudal tenants of pontifical estate, and to the rivalry between Pope Formosus and Sergius. The gentry, he says, remained attached to either of the two parties from whom they had derived the greatest benefices; and when the party of Sergius got the upper hand, the papacy became an appointment of Theodora, or Marozia, or of Alberic, as representatives of the Tusculan family.

ests of the great feudatories as from the sanctity of their character or the religious fears of the community—always less powerful at Rome than in any other part of Christendom: and when manners, morals, and religion no longer presented any check to the unbounded indulgence of the selfish passions, the religious chief lost his hold upon the loyalty and affection of his temporal subjects; his spiritual character receded out of sight, and if allowed to retain any influence, it was only to exercise it in obedience to a power greater than itself.[o] Every thing, therefore, depended upon the revival of that loyalty which was by this time almost the sole check upon the splitting and dividing tendencies of feudalism; nor could the papacy look forward to the recovery of its forfeited dominion until, by the reunion of the temporal and spiritual authority in the same hands, the thoughts and opinions of men were thrown back into the old channel, and political and religious loyalty should be no longer distinguishable from each other in the mind of the subject.

Death of Alberic, and election of Octavian (John XII.).

The government of Alberic had carefully guarded the two ideas against any such dangerous fusion. Under the hand of a master who had ruled them with resolution and discretion, they had been amused and gratified with republican forms, they had dreamt of past glories, and had been encouraged to regard themselves as the genuine offspring of those patriots who had exalted Rome to be the mistress of the world. But the vision departed almost as soon as the breath from the body of the magician who had conjured it into existence. The great consul Alberic of Tusculum died in the year 954, transmitting, as usual, his power and dignity to his son Octavian, then a mere youth, and from natural disposition incompetent to mature or to perpetuate a scheme of government under which his countrymen might have gradually qualified themselves to maintain and ripen their municipal institutions into a

[o] The decline of the papal power very closely resembles that of the Merovingian and the Carolingian dynasties. The prestige of loyalty—civil or family loyalty in the one case, and religious in the other—sustained both the Frankish and the papal power.

permanent system of civil liberty. But neither their consul nor they perceived that the fate of their new polity depended upon preventing the reunion of the spiritual and temporal government in the same hands. The hope of strengthening his position, however, induced Octavian to overlook that indispensable precaution, if it ever occurred to him; and after the death of Pope Agapetus II., in the year 956, he caused himself to be elected pope by the name of John XII.[p]

Popes between the years 928 and 956.

Some account, however, may be due to the reader of the pontificates which fill up the period of the Tusculan ascendency at Rome. Yet the annals of the chair of Peter within that period present little more than a barren list of names. The supremacy of the Tusculan party may be said to date from the marriage of the prostitute Marozia with Guido, uncle of Hugo king of Italy. By the murder of the meritorious pontiff John X. in the year 928, the last pope who exercised any political authority in the republic, Marozia shook off the only check to the novel mode of government introduced by her mother Theodora, and afterwards so successfully practised by herself. We hear

Leo VI.

next of a Leo VI., son of the primecerius Christopher, upon the throne of Peter. It may be conjectured, to the credit of this unfortunate pontiff, that the appointment did not suit the views of the voluptuous and intriguing mistress of Rome. Leo VI. is said to have held the pontificate for the short period of six months and a few days, and, like his predecessor, to have

Stephen VII.

died in a prison.[q] Stephen VII., a son of a Roman nobleman, then passes before us like a shadow; and vanishes again after a term of two years and rather less than two months,[r] to make room for

John XI.

John XI., son of Marozia by Pope Sergius III. At the period of his elevation John was a youth, probably under age; but in the third year of

[p] *Baron.* ann. 955, by mistake for ann. 956. See the elaborate notes of Pagi, Mansi, and Georgio, ad ann. 955, p. 85.

[q] *Baron.* ann. 928, 929.

[r] Ibid. ann. 931.

his nominal pontificate his profligate mother was pushed from her seat by her son Alberic. The latter permitted his half-brother to retain the papal throne till the year 936, when he too passes from the stage, to be succeeded by Leo VII.,[s] a nameless puppet, probably set up by Alberic for his own purposes. Of his pontificate no record remains. He was succeeded, in the year 939, by Stephen VIII., a German by birth, raised by Alberic to the papal chair in compliment to King Otho the Great of Germany. His foreign birth exposed him to the hatred and contempt of the populace; and in a sudden ebullition of popular dislike, against which his patron wanted either the will or the power to protect him, he was so cruelly mutilated and disfigured that for the remainder of his short pontificate he declined to show himself again in public. It appears that the great consul occasionally used his name for the purposes of his foreign policy; but beyond these slight circumstances nothing worth notice occurs during his short pontificate. He died in the year 943, after a reign of three years and rather more than six months; and was succeeded by Marinus II., a nameless personage, who is said to have prudently withdrawn himself from public life, and to have devoted himself wholly to ecclesiastical affairs and the relief of the poor.[t] His reign did not exceed the usual average of between three and four years. He died in the year 946; and was succeeded by Agapetus II., a Roman by birth, and a person of a rather more active character than his immediate predecessors. He seems to have interfered with effect in the quarrels of the monks of Monte Casino and the bishop of Capua about certain lands which the bishop had withdrawn from that establishment, and to have interposed his good offices to restore peace between the great consul and his stepfather Hugo king of Italy.[u] In the tenth year of his pontificate Alberic sank into the grave; and, as already observed, was succeeded in the government by his son

Leo VII.

Stephen VIII.

Marinus II.

Agapetus II.

[s] John XI. sat four years and ten months. *Pagi* ad *Baron.* ann. 936, § 6.

[t] *Baron.* ann. 943, § 1.

[u] Ibid. ann. 946.

Octavian. Agapetus did not long survive his patron; and in the year 956 was succeeded by the vicious and unfortunate Octavian, under the name of John XII.[v]

Whatever the intentions of Alberic on behalf of his son may have been, it appears that the Romans, after the death of the great consul, consigned the government of the republic to a prefect of the city, controlled by two annually elected consuls and twelve tribunes of the people for the twelve regions of Rome; the latter to be freely chosen by the principal inhabitants of each region. The new scheme of polity indicates that it was not the intention of the framers that the government of the republic should fall back into the hands of the pontiff. But this headless republicanism, when opposed to a numerous and powerful priesthood under a single chief, was obviously too weak to withstand the systematic assaults of its organised and resolute antagonists. Octavian was probably driven by the decline of his influence to take refuge from absolute insignificance in the papal chair; and, as Pope John XII., he fell at once into the position of head of a party impatient under the impotency to which it was condemned by the new constitution, and resolved by every means in its power to regain the ascendency. The death of Alberic afforded an opportunity to reduce to practice the republican forms he had permitted to subsist. But there was no longer an Alberic at the head to direct and moderate the movement of the new machine. A great obstacle to the reunion of the two powers in the hands of the spiritual prince was thus removed, and a prospect of a resuscitation from the political death-sleep of more than half a century's duration was opened to the papacy, which a few years more of steady government like that of the great consul Alberic might have altogether dissipated.

Position of John XII. as pope.

We regard, therefore, the elevation of John XII. to the pontificate as a crisis of great moment in the history of papal Rome. Never had the chair of Peter fallen so

[v] John had hardly reached the age of puberty when he was elected pope. On this ground, not on that of his incompetency, Baronius denies the legitimacy of his ordination. *Baron.* ann. 955, § 1.

low; never before had it been so near to extinction as a political power. At such a juncture, we cannot altogether shut out from our contemplation what might have been the consequences if the Romans, with all their new-born love of liberty, had conceived any clear idea of the character of the antagonistic element,—if they had known how to draw the line between the two powers, and rigidly to exclude their spiritual chief from all participation in the civil government. When we observe that the political insignificance of the popes during the period of their subserviency to the state was accompanied by an almost equally conspicuous decline of their spiritual activity, we obtain at least a glimpse of what might have been the result of a *permanent* severance of the sacerdotal from the political functions of the bishops of Rome. The question whether the power of the papacy was founded upon a religious or a political basis might then have been fairly decided. The result, as it stands recorded, must leave it doubtful whether this great spiritual monarchy was more indebted for its permanency to its recovered temporal dominion, or to the force of its claims upon the Christian conscience.

The reunion of the sacerdotal and political powers, &c.

But a peculiar circumstance in the position of the papacy may go some way to explain the causes of that political vitality which enabled papal Rome to survive this great crisis in her history. For ages yet to come the remembrance of the republican forms which Alberic had called into existence continued to haunt the imaginations and to stimulate the wayward efforts of the Roman people. And if the pontiffs had had no other reliance than the support of their fellow-citizens to fall back upon in times of difficulty, they must have compounded for it by the sacrifice of many of the most cherished prerogatives of the tiara; and the same causes which, in process of time, emancipated the greater cities of Italy from the domination of their bishops, might, it is reasonable to believe, have delivered the Roman municipality from that of their pontiffs. But the latter held in their hands a talisman

The imperial crown in the hands of the popes.

of power to command the services of the princes of the world which enabled them to defy the resistance of their fellow-citizens to their encroachments upon the popular privileges. The vices or the misfortunes of this age of degradation and suffering had not divested Rome of the charm which the glories of the past had thrown around her; nor even greatly weakened the faith, or the superstition, which made her the centre of religion, or—which in that age was the same thing—of religious forms. She still held the imperial crown under her own lock and key. So sensible was the great consul Alberic of the danger of exposing it to the ambitious gaze of the stranger, that he invariably refused to any sovereign powerful enough to claim it—among the rest his own father-in-law Hugo—permission to approach the city; or to his popes the opportunity to flash the glittering bauble in the eyes of the eager aspirants. To the liberties of the citizens of Rome the crown of empire was as the casket of Pandora; when once opened, all the good gifts of political experience seemed to take flight together. Against this danger Alberic had protected his republic; and, in fact, since the death of Berengar I., in the year 924, the crown of empire had continued in abeyance. It would have been well for the Romans if it had vanished from the memory of mankind; for its resuscitation proved the darkest eclipse that had ever overcast the prospects of a more liberal civil polity to the Romans, and of religious liberty to Western Christendom.

CHAPTER III.

THE EMPEROR OTHO THE GREAT IN ITALY.

Berengar markgrave of Ivræa—Berengar II. king of Italy—Otho the Great invited into Italy — Factious disposition of the Italians — Germany after the extinction of the Carolingians — Otho, or Otto, the Great — Otho in Italy—Berengar II. a vassal of Germany—His tyranny—Otho's second expedition into Italy — Otho the Great emperor — Relation established between Rome and the empire — Diplomatic forgery; the "Pactum Ottonis"—Forgery in connection with the history of the papacy—Rebellion of Pope John XII.—Third expedition of Otho the Great into Italy—Synod of Rome against John XII.—Prosecution of John XII.—Otho's citation of John XII.—He defies the emperor—Reply of Otho — Trial and deposition of John XII.— Uncanonical character of the transaction—Insurrection in Rome against Otho the Great—Temporary restoration and death of John XII. — Election of Benedict V.—Restoration of Leo VIII. — Proceedings against Pope John XII. imperative, not legal—Remarks on the elections of Leo VIII. and Benedict V.—Retreat of Otho—John XIII. pope—Insurrection in Rome—Punishment of the insurgents—Rome the metropolis; the pope the imperial viceroy—Coronation of Otho II. — Luitprand's embassy to Constantinople — Plans and fears of the Emperor Nicephorus — Ill-treatment of Luitprand — Wrath of Nicephorus—Luitprand's reply—Demands of Nicephorus—Impertinent interference of Pope John XIII.—Childish rage of Nicephorus—Dismissal of Luitprand — Decline of the papal influence in the East—Non-intercourse between Rome and Constantinople.

Though Pope John XII. is rejected as an intruder by the papal writers, he is nevertheless entitled at their hands to the credit of the first step towards the restoration of that orthodox dominion for which those zealous advocates are bound to contend.[a] His pontificate dates from the year 956; and, in conjunction with the papal chair, he was permitted to enjoy the temporal protectorate, with the title of patrician of Rome. Ten years before the death of Alberic prince of the Romans, his father-in-law, Hugo king of Italy, had found it expedient to retire into Provence, to escape the

Berengar markgrave of Ivræa.

[a] *Baron.* ann. 957, §§ 2-4.

pursuit of his own nephew, Berengar markgrave of Ivræa, who, in league with the disaffected prelates of Lombardy, had taken refuge in rebellion against the tyranny of a master from whose violence and intrigues every one of them felt himself in daily peril. But Berengar had been aided in his enterprise by German auxiliaries; and though he had succeeded, partly by promises and partly by intimidation, in withdrawing from Hugo every means of defence, he found his supporters disinclined to do more for him than was requisite for their own safety. They therefore signified to Hugo that they still considered him as their king, and acknowledged his son Lothar as his successor. But in the mean time all the powers and patronage of government were allowed to flow into the hands of Berengar, whose first care was to reward those whom it was dangerous to disappoint, and to fill every vacant preferment with persons whom he thought he could trust. King Hugo died shortly after his retirement; and Lothar, who, to the serious disappointment of Berengar, maintained his popularity and his position in Lombardy for a period of five years, died suddenly in the year 950, as it was rumoured, of poison, administered by the procurement of his rival.[b]

Berengar II. king of Italy.

Berengar was now raised to the throne; but his position was in many respects precarious and uncertain. At the death of Lothar, his beautiful widow Adelaide, a Burgundian princess,[c] then only in her nineteenth year, had fallen into the hands of Berengar. The popularity of the widowed queen he thought might be turned to account on his own behalf; and, with that view, he and his wife Willa endeavoured to cajole or to force her into a match with their own son Adelbert. But both persuasion and persecution failed to overcome

[b] *Luitprand*, Hist. lib. v. cc. xii. xiii., ap. *Murat.* ii. pp. 466, 467.

[c] Rodolph, king of Arelatensian Germany, who died in 937, had married Bertha, by whom he had a daughter named Adelaide. Hugo of Provence, king of Italy, and Rodolph had been rivals; but it seems that they had made up their quarrels. Bertha the widow afterwards married Hugo the father; and Adelaide the daughter married (Lothar) the son. Thus mother and daughter married father and son. This arrangement was certainly inconsistent with the canonical rule both of the Greek and Latin churches. See *Luitprand*, Hist. lib. iv. c. xii., ap. *Pertz*, iii. p. 319.

the aversion of the princess from a union with the enemy of her late husband.

Irritated by her resistance to the revolting connection, Berengar committed her to strict custody at Garda, one of his own strongholds. But, by the assistance of her devoted friend Adelhard bishop of Reggio, she was enabled to escape from her prison to his castle of Canossa, where she was for the moment beyond the reach of her enemies. From this asylum she became the rallying-point of the discontented lords and prelates; and from Canossa a general invitation was despatched to Otho, surnamed the Great, king of the Germanic branch of the late Frankish empire, to emancipate them and the fair widow from the thraldom of Berengar, and for his reward to assume the crown of Italy and the hand of their beloved queen.[d]

Otho the Great invited into Italy.

It is hardly possible to over-estimate the importance of the actual crisis to the future fate of Italy. At this moment the state of the country was not in reality such as to call for foreign interference as a last refuge against hopeless anarchy and confusion,—the only excuse for the application of so desperate a remedy. Neither can we point out an epoch at which the neighbouring powers were less disposed to interfere with the independence of the country. The nobility and prelacy of Lombardy were sovereigns—all but in name—within their cities, towns, and feudal domains. An intermediate order of civic gentry was gradually growing up, and municipal institutions were ripening in many of the more populous and wealthy districts; commerce was reviving, and the elements of a combined civil polity were starting into life and activity. These fair prospects were, however, clouded over by the shortsighted and selfish spirit of faction, enhanced by that unbounded dissoluteness of habits which infected all classes alike. The Lombard nobility and prelacy elected a king that they might reign over him, and thus left him no choice

Factious disposition of the Italians.

[d] See the romantic story of Adelaide's adventures and escape in the metrical narrative of *Hroswitha*, a learned nun of the convent of Gandersheim (modern duchy of Brunswick), ap. *Pertz*, tom. iv. pp. 328-330.

between tyranny and nonentity. The sovereign had no power but as the chief of a party. As long as he could balance one faction against another, he might hope to retain his seat. The great feudatories, on the other hand, generally managed to keep alive some rival claim which might be played off against the actual sovereign, and be made the instrument of gainful extortion. In the struggle which ensued, the kings, Hugo and Berengar II., had used their power in a spirit of unrelenting tyranny. The former, a man of vigorous and active character, had unscrupulously struck at his enemies whenever they came within his reach; and both had contrived, by executions and forfeitures, to reduce the power of the great feudatories without quenching the hope of regaining their prior ascendency. The moral condition of the governing classes encouraged no hope of a return to a better state of public feeling. Kings, nobles, and bishops vied with each other in casting aside the obligation of oaths, the regard for promises, and the restraints of chastity. The court of King Hugo took pattern by that of Marozia and Ermengarda.[e] The numerous bastards of the kings and great lords were promoted to bishoprics and abbeys, into which they imported the habits of their vicious parents. Unmitigated selfishness and rapacity had obliterated every principle of political combination from the minds of men but that of brute force; and, in the hope of practising over again with the same success the old game of low-minded trimming and hollow professions, they were ready to lend themselves to any foreign power that promised to help them to their immediate ends, or to avenge them of their actual enemies.[f]

Germany after the extinction of the Carolingians.

Since the extinction of the line of Charlemagne in Germany by the death of Louis III., son of the Emperor Arnulph, in the year 911, without male issue, the Germanic lords and prelates had chosen Conrad duke of Franconia as their king.

[e] Conf. *Luitprand*, Hist. lib. iv. c. xiii. p. 319; *Pertz*, iii. p 319.

[f] The view here presented of the state of Italy is collected from the work of Bishop Luitprand of Cremona, which fails us just at this point of time, and is not supplied by any equally valuable record. His work is perhaps not the less faithful because he was himself a very apt pupil of the age in which he

This prince had been succeeded by his son Henry, surnamed the Fowler (A.D. 918); both of them distinguished warriors and patriotic statesmen. Assailed on the north by the piratical Danes and Normans, on the east by the powerful Sclavic tribes settled on the right bank of the Elbe, almost from its source to the North Sea, and on the south-east by the ferocious Magyar of Hungary and Pannonia, the Franconian kings defended the frontier with success, and held a just balance among their own rude and turbulent vassals. In the year 936, Otho, or Otto, surnamed the Great, succeeded his father Henry, with talents of an order which fitted him to be the deliverer of his country and the model of a just and vigorous administrator. Germany had, from the foundation of the empire, been regarded as the fatherland of the noble race of the Franks. That extensive region was known by the general name of Francia Orientalis,[g] or Eastern France, and in the national contemplation was always regarded as the proper cradle of the race and nation. The kings of that vast region regarded themselves as the representatives of the Frankish monarchy; nor did the extinction of the Carolingian dynasty make any change in this lofty opinion of their own heritable prerogative. The descendants of Conrad of Franconia, it is true, had not a drop of Carolingian blood in their veins; yet he and his successors still believed themselves entitled to all the rights of the legitimate heirs and successors of Charlemagne.

Otto, or Otho, I. was employed during the first fourteen years of his reign in reducing his turbulent vassals,—more especially his rebellious brother Henry duke of Bavaria,—to obedience, quelling the insurrections of the Bohemians and Sclaves of the Elbe, and in expelling the Normans from the Belgian provinces of his realm. The invitation of the Italians, however, found him released from the pressure of foreign

Otho, or Otto, the Great.

lived, and seems to have turned over from one master to the other according as his own interests, or the sense of the value of his services, led him. He entertained few of the predilections of the churchman, and treats the vices and the evils of the time as any other man of the world would do.

[g] Since transferred to the great circle of Franconia (*Fränkischer Kreis*).

invasion and external disturbance, and was accepted with the alacrity of a warrior, but in the spirit of a mediator or a judge rather than in that of a conqueror. He entered Lombardy with an armament to which Berengar could oppose no resistance in the field; and he retired to the Alpine fastnesses of Piedmont to await in safety the anticipated retreat of his great opponent. Otho took quiet possession of Pavia, and was there introduced by the assembled estates of Lombardy to his beautiful bride. After the nuptials, he established Conrad duke of Lorraine at Pavia, with a sufficient force, as his representative; and returned to Germany, where his presence could not be dispensed with for the space of more than a single campaign. At this period it was no part of the policy of Otho to burden himself with the defence of a distant kingdom; he was therefore satisfied with the accomplishment of the immediate purpose of restoring tranquillity and maintaining his imperial ascendency in Italy. Berengar availed himself of the opening for negotiation afforded by the non-assumption of the iron crown, and proposed to Otho to hold the kingdom of Italy as a feudal dependency of the Frankish empire. The king acceded to the proposal; and Berengar did homage, and received investiture in the same form as that which had been adopted when Berengar I. did homage to his predecessor Arnold in the year 888.[h]

Otho in Italy.

Berengar was by this solemn act reseated on the throne of Lombardy. But the lessons of misfortune were thrown away upon his wayward and vindictive spirit. Though now the vassal of a monarch who was not likely to view with indifference the resumption of those abuses of power he had been at such cost to suppress, Berengar lost no time in taking vengeance upon the adversaries who had driven him

Berengar II. a vassal of Germany.

[h] *Mascou*, Comment. de Reb. German. tom. i. p. 39: conf. *Leo*, Gesch. v. Ital. i. p. 288. If the form hinted in the *Annales Fuldenses* (ann. 888, ap. *Pertz*, i. p. 406) be that adopted at the investiture of Berengar II., it might be difficult to determine what kind of relation it established between him and his superior. But see the note of *Pertz* ad loc. as to the meaning of the terms "curtes," "navum," and "sagum." The commentator thinks they imply the entire relation of sovereign and vassal.

into the humiliating state of vassalage under a foreign master. He might probably have reckoned with some certainty upon that properly national party in Italy which doubtless felt the degradation as keenly as himself: but, hurried on by the vehemence of passion, he fell upon the adherents of the German connection with indiscriminate haste; and in the course of this vindictive warfare he ravaged Romagna from end to end, and laid the city of Bologna in ashes. That city had been originally a dependency of the patriarchate of Ravenna; but since the donations of Pippin and Charlemagne had always been regarded as a portion of the patrimony of St. Peter. Pope John XII. and the archbishop, in common with the distressed adherents of the German connection, hastened to lay before Otho I. a full detail of the lawless proceedings of his vassal. But that prince was at the time detained by domestic disturbances, said to have been created or fomented by his Italian queen. At the same moment a more than usually formidable invasion of his old enemy, the Magyar or Hungarians, compelled him to strain all his energies for the salvation of the country. He gallantly met and totally destroyed the numberless hosts of the invaders in a sanguinary battle on the banks of the Lech (A.D. 955); and after this brilliant victory found himself at leisure to redress the wrongs of the Italian suppliants. He hastened into Italy; the subjects of Berengar fell off from him to a man, and he was again driven for refuge to those Alpine forts which had hitherto afforded him a refuge in all changes of fortune. King Otho without delay assembled a general diet of the Lombard kingdom; Berengar was declared to have forfeited the crown, and the German monarch placed it upon his own head amid the joyful acclamations of his new subjects. After the ceremony, Otho passed on to Rome without delay; and there he and his queen Adelaide received the imperial unction from the hands of Pope John XII., on the 2d of February A.D. 962.[1]

His tyranny.

Otho's second expedition into Italy.

The assumption of the imperial crown, though re-

[1] *Luitprand*, De Reb. gest. Ottonis Mag., ap. *Pertz*, tom. iii. p. 340.

Otho the Great emperor.

garded as a matter of right by the German monarch, was not altogether unconditionally accorded by the pope. While on his march to Rome, the king engaged upon oath to Pope John to defend him in life and member and earthly honour, and that he would neither do, nor with his knowledge suffer to be done, any thing to the detriment of either; nor that when at Rome he would make, or permit to be made, any law or regulation touching the public interests of the pontiff or the Romans without their consent; that he would cause restoration to be made of all lands and territories that might be found to have been taken from the holy see; and lastly, that the officer to whom he should commit the government of Italy in his absence should take the same oath with that he had himself taken. The pontiff, on his part, consented to swear that *he would be faithful and true* to the emperor-elect; and that he would in nowise consort with, aid, or abet, his enemies, more especially Berengar and his son Adelbert.[j]

Relation established between Rome and the empire.

This second revival of the imperial dignity in the family of a Germanic prince was unaccompanied with the like revival of the office of patrician. That title had, in fact, fallen into disuse since the transactions between Lothar, son of Louis the Pious, and Pope Eugenius II., in the year 824.[k] After that we hear no more of an imperial or royal patrician. Otho the Great did not at that period feel himself called upon to meddle with the civil government of Rome; and as he had no intention and no interest to infringe on their municipal institutions, he could have no hesitation in assuring to them their privileges in the then customary form. Charters of privilege of this nature were matters of ordinary occurrence, and were not supposed to interfere in any degree with the duties imposed by the oath of fidelity. But, as we have already observed, that oath was regarded as creating the relation of subject to sovereign; and that the Emperor Otho took

[j] *Regin.* Chron. contin. ann. 962, ap. *Pertz*, i. p. 625; ibid. Legum, tom. ii. pt. i. p. 29; *Luitpr.* ubi sup. c. iii. Luitprand only notices the papal oath, and of that only what concerns Berengar and Adelbert.

[k] See Book VI. c. iv. pp. 101-110, and c. v. pp. 133-135, of this work.

that view of his connection with Rome, its government, and pontiff, we think subsequent events will sufficiently prove.

Diplomatic forgery; the "Pactum Ottonis."

The clause of the oath for assuring to the pontiff all estate of the church in possession, as well as all that *he might have been wrongfully deprived of*, would call for little attention, if, at a period of forty years after the coronation of Otho the Great, two documents had not been flashed in the eyes of the world which throw some light on the interpretation the pontiffs of Rome were inclined to put upon this obscure clause. It was observable that, without some specification of the losses sustained, nothing was, in fact, gained by the engagement. But at a distance of time it might appear probable that some such specification had passed the imperial seal; and accordingly two charters of donation—the earlier purporting to be the deed of Louis the Pious, the other a similar document under the hand of Otho the Great—made their appearance, conveying to the holy see lands, territories, and jurisdictions far exceeding the utmost extent of any previous authentic grants. Of these forgeries the former was probably the earlier; and it is supposed that the fictitious donation of Otho was framed upon it, so as to appear in the form of a confirmation of that and all prior deeds of gift, genuine or spurious. It conveys to the holy see an extent of territory which had never been included within the boundaries of the Western empire since its revival, nor had ever been reduced into possession by Otho himself. It recapitulates the genuine donations of Pippin and Charlemagne; and adds a conveyance *in full sovereignty* of all the Greek dependencies in southern Italy, the Neapolitan and Capuan Campania, the two Calabrias, the cities of Gaeta and Fondi, and the entire island of Sicily.

Diplomatic forgery in the history of the papacy.

The history of diplomatic forgery had been for ages past a part and portion of that of the papacy. But the fraud was not always equally serviceable in the pursuit of political, as it had been in that of ecclesiastical imposture. Thirty-eight years after the first visit of Otho the Great to Rome, his

grandson Otho III. detected and repudiated the forged deeds, and by a specific enumeration of the guaranteed territories published to the world his own exposition of all prior donations. The papacy, however, with characteristic pertinacity, held fast by these as by all other spurious documents from which any advantage, territorial or ecclesiastical, could be derived. In all times—more especially in an age of ignorance and superstition—the credit of a lie depends in a high degree upon the impudence and pertinacity of the assertion. Notwithstanding the official contradiction of Otho III., or the antagonistic forgeries to which the opponents of the papacy resorted in order to neutralise its effects, this document, like the false decretals and the fictitious donations of Constantine the Great and Louis the Pious, held its ground in the world, and was at length formally adopted and confirmed by the Emperor Rudolph of Hapsburg, in the latter half of the thirteenth century.[1]

Rebellion of Pope John XII.

After a few weeks' residence in Rome, the emperor returned to the north, to reduce the forts and castles from which Berengar and his son Adelbert continued to disturb the peace of Lombardy. At Rome, the wayward and faithless pontiff had felt the hand of a master. Writhing under a sense of that loss of power which must result from the consolidation of the Italian kingdom in the strong hand of the Saxon emperor, he hastened to renew his treasonable intercourse with Berengar and his son Adelbert. The latter was invited to Rome under an assurance, upon the oath of the pope, that he would afford him all possible aid against their common enemy. Intelligence of the conspiracy

[1] Conf. *Pertz*, de Pacto Ottonis Magni, cum Joh. XII. in Monum. Germ. Legum, tom. ii. pp. 6, 159, et sqq. The most remarkable of the antagonist forgeries above alluded to are entitled "Privilegium Leonis VIII. Papæ de Investituris," and "Leonis VIII. Cessio Donationum Rom. Eccles.;" both ap. *Pertz*, in his collection of spurious documents appended to his second vol. of the Early Laws of the Germans, part ii. p. 168. The second of these two forgeries was contrived to meet the so-called "Pactum Ottonis,"—the forgery mentioned in the text; and it contains an unreserved transfer from Leo VIII. to the Emperor Otho of every sovereign right over the whole extent of the territories enumerated in the "Pactum,"—a clumsier piece of knavery, perhaps, than that it was intended to counteract. The controversy of investitures in the eleventh and twelfth centuries gave rise to these and many other frauds of the like nature.

speedily came to the ears of the vigilant monarch, who probably knew enough of the value of Italian oaths to put him on his guard against a too-confident reliance on their efficacy. Two imperial commissioners arrived unexpectedly at Rome to inquire into the truth of the information. They found that the credit of Pope John in the city had dwindled away under the weight of vice and debauchery. The voice of indignation was once again heard against those offences which but a few years before had awakened neither remark nor rebuke. The pontiff was loudly accused of indulging in purely secular habits and gratifications; he was charged with incontinence, impiety, debauchery, and neglect of his sacred duties. Unsupported by any party in church or state, he excused his defection by alleging that Otho had protected and encouraged his (the pope's) enemies; and that he had taken into his own hands territories he was by his engagement bound to surrender to the holy see. When informed of this reply, the emperor despatched Luitprand bishop of Cremona[m] to convey a peremptory contradiction of the pope's countercharges, and to inform him that, in addition to his other breaches of faith, his emissaries had been detected in an attempt to instigate the Hungarians to repeat their attacks upon the empire. After the custom of the age, Luitprand was instructed to offer proof of these charges by the ordeal of battle, to be waged between one of the knights in his retinue and a champion named by the pope. John XII. received the imperial message with exceeding ill-humour; he declined the ordeal, and refused satisfaction for his late breaches of faith or security for his future fidelity. Luitprand, whose mission was purely diplomatic, returned to Pavia to make his report; and Adelbert, the son of Berengar, immediately landed at Centumcellæ, and was received by the pope with open arms.[n]

Third expedition of Otho the Great into Italy.

Within three months of the receipt of Luitprand's report, Otho was once more on his march to Rome. The citizens were, as usual, divided in opinion respecting the German connection: yet

[m] Who had passed over into his service from that of Berengar II.

[n] *Luitprand*, Hist. Otton. Mag., *Pertz*, tom. iii. p. 340.

all parties seem to have either renounced the cause of the pope, or to have felt themselves overborne by the weight of the evidence against him. The approach of the emperor, however, put an end to all hesitation. John XII. made, indeed, some show of resistance; but in the end retired from the city, in company with his friend Adelbert and a few adherents, after plundering the treasury of St. Peter of all its portable wealth. The Romans received the emperor with apparent good humour, and readily took the oath of fidelity to him and his son and destined successor, King Otho the Younger, engaging by the same oath that they would not for the future elect or ordain a pontiff of the holy see without their consent.°

Synod of Rome against John XII.

Barely three days after his arrival, Otho, yielding to the unanimous request of the clergy and people, convoked a synod in the church of St. Peter, consisting of the archbishops of Ravenna and Treves, the delegate of the patriarch of Aquileia, thirty-seven Italian and three German bishops, forty-eight of the cardinal clergy and incumbents of Rome, and the twelve tribunes, or *capitani*, of the municipal body. On his entrance to open the council, the emperor observed that the throne of the pontiff was vacant, and inquired the reason of so unusual an incident. Bishops and cardinals vociferously replied that "the pope was a worker of iniquity, and a servant of the devil: they would never admit that wolf in sheep's clothing into their fold." Witnesses were produced who deposed to many wanton impieties: they had seen him celebrate mass without communicating himself; he had ordained a deacon in a stable; he had taken money to consecrate bishops; he had even made a bishop of a child of ten years of age; he had committed sacrilege, adultery, violation of widows; he had lived with his father's mistress, and converted the holy pontifical palace into a brothel; he was addicted to the chase, and other profane pastimes; he had put out the eyes of his own godfather, and cruelly murdered the archdeacon John; he had, like a second Nero, wantonly

° *Reginon*, Chron., ap. *Pertz*, tom. i. p. 625.

set fire to houses; and had appeared publicly begirt with sword and accoutred in helmet and cuirass. Clergy and laity bore testimony to having seen him drink a health to the devil, and to have heard him at the gambling table invoke the help of Jupiter and Venus and other demons. Others, again, averred that he observed neither matins nor canonical hours, and that he never blessed himself with the sign of the Cross.

To these clamorous and probably exaggerated charges the emperor modestly replied, that it was so common a practice to speak evil of dignities, that he could come to no just conclusion till the impeachment was reduced to writing, and established by convincing proof. The synod, however, insisted that the crimes charged against Pope John were matters of notoriety requiring no further proof; and they took it upon their salvation that all they had alleged was true to the letter. "If," said they, "you do not believe us, believe your own followers, who, but five days ago, saw him at the head of his armed followers, begirt with sword, and equipped with shield, and helmet, and corselet; so that if the Tiber had not been between them and him, they might have captured him in that attire." The emperor held this article of the impeachment to be established beyond controversy; and at the request of the synod he wrote a letter of citation, addressed to the "Pontiff and universal Pope John," in the name of the archbishops and bishops of Liguria, Tuscany, Saxony, and Franconia.

Prosecution of John XII.

"Having arrived," said Otho, "in Rome on the service of God, and having inquired of your sons the bishops and clergy, and of the people of your church, why you have forsaken them, such scandalous and obscene things have been reported to us concerning you, that if the like had been told us of a common mountebank we should have hesitated to repeat them. But that you may not be wholly ignorant of what it is that is said of you, we will specify a few of these things only; for if we would enumerate all, the daylight would fail before we should make an end of writing. Know, then, that you are accused,—not by individuals,

Otho's citation to John XII.

but by the unanimous voice of clergy and laity, — of homicide, sacrilege, perjury, and incest. It is also said of you, that in your sports you have called upon the names of Jupiter, Venus, and other demons of the old world. We therefore do earnestly entreat your paternity that you delay not to return to Rome, and to purge yourself from these heinous crimes. And if perchance you should stand in fear of the rude multitude, we are ready to pledge our oath that nothing contrary to canonical rule and order shall be done against you."

John XII. defies the emperor.

John replied by a message of defiance. He had, he said, been informed that an assembly had been called together for the purpose of dethroning him and setting up another pope. If any such attempt were made, he would excommunicate all, and suspend them from every sacerdotal function. The emperor treated this pettish effusion in a tone of moderate banter which seemed best suited to bring the petulant youth to his senses. He imputed his imprudent message to evil counsellors; the style of his letter, he said, was not only discourteous and foolish, but ungrammatical, and therefore manifestly written without due consideration. And he again assured the pope, that if he would consent to purge himself in the usual manner,[p] he would acknowledge and respect his authority; but that if, without regard to his own character, he should refuse to appear and defend himself, he (the emperor) would pay no attention to his censures, but rather cast them back upon himself. "For," he concluded, "we read that Judas, though the betrayer of his Lord, was once numbered among the disciples, and received the same power to bind and to loose which had been given to them; but that when through covetousness he became a murderer, he had no more power to bind any one but himself, which in faith he did when, with his own hand, he strung himself up to a tree by a rope."

Reply of Otho.

No answer was returned to this remonstrance; and Otho took the duty of official prosecutor upon himself. Selecting those articles of charge upon which no doubt or

[p] That is, by his own oath and that of a proper number of compurgators.

uncertainty could be entertained, he addressed the synod in measured terms, affirming that he personally had been wanting in no duty he had undertaken to perform; that he had at his own request delivered the pontiff from the hand of his enemy Berengar; that he had taken from that enemy all that he had usurped, and restored it to the holy see:[q] but that Pope John, without regard to the oath of fidelity he had sworn upon the sacred body of St. Peter, had taken his enemy Adelbert to his arms, and introduced him into Rome; that he had raised rebellion, and at last levied open war, arrayed himself in martial attire, and led on his men-at-arms against his liege lord. Upon these grounds—more particularly the last—he called for judgment against Pope John. The synod waited for no further solicitation; they importuned the emperor to expel that "monster of iniquity," and to put a more worthy person in his place. At the same time they pointed out Leo, the protoscrinarius of the holy see, as a properly qualified person; and him they unanimously agreed to elect to be the "captain and universal pope of the holy Roman church, ejecting and casting out therefrom the apostate John *because of his reprobate life*." Leo was, in pursuance of this recommendation, enthroned and consecrated in the Lateran by the name of Leo VIII.

Trial and deposition of John XII.

The deposition of John XII. cannot be defended on any rule of law hitherto observed with reference to the trial or the deposition of a pontiff of the holy see.[r] No regular mode was known to the Latin church for ridding her of the incubus of a bad pope but that revolutionary process which, as in this case, sets all acknowledged rule at defiance. The irresponsibility of the chair of Peter rendered every mode of regular deposition or punishment impracticable. No pope could be made to vacate that chair but by voluntary resignation: he alone could depose himself. And when the vacancy was created by the interposition of the

Uncanonical character of the transaction.

[q] Bologna to wit, and that part of Romagna that Berengar had overrun.

[r] See the first three propositions of the regulations of the Roman synods held between the years 500 and 503 under Pope Symmachus, Book III. c. ii. p. 82 of this work: conf. Book VI. c. vii. p. 187.

secular power, the illegality was enhanced even to sacrilege. Certain Roman advocates have helped themselves out of this difficulty by denying the legitimacy of Pope John XII. But no charge was preferred against his title by the synod which deposed him. His contemporaries, both friends and foes, treated him as legitimate pope; and grounded their judgment upon the rational presumption that a man contaminated by every vice that disgraces human nature could not be a fit person to rule the church of Christ.[s]

Insurrection against Otho the Great.

The synod, it may be observed, took no notice of the secular offences imputed by the imperial accuser;[t] nor is it probable that any very cordial sympathy existed between the Roman clergy and their barbaric protectors. The enemies of Pope John were not necessarily the friends of the German monarch. A short residence, in fact, sufficed to break up the shortlived harmony between the Romans and their foreign visitors. The rude soldiery of Otho lived at free quarters upon the citizens, and took little pains to acquire the good-will of their entertainers. The emperor, with a view to diminish the burden of maintenance, inconsiderately dispersed the greater part of his army in remoter quarters. The party of Pope John soon came to an understanding with all that class of persons who saw in the German connection the approaching ruin of their freedom; and an opportunity now presented itself of crushing at a single blow this formidable foreign enemy of the republic. Surrounded by a small but gallant bodyguard, Otho was aroused from his sleep by a general insurrection of the Roman populace. A single road for retreat remained to him and his diminished band; but the bridge over the Tiber was in possession of a numerous enemy, and nothing but the utmost promptitude could prevent its being hopelessly closed against him. With undismayed presence of mind, the emperor closed his

[s] In the case of John XII., the vice of the rule established by the Roman pontiffs for their own protection was exposed by a practical *reductio ad absurdum*.

[t] Another material defect in the proceeding: a layman could in no case be regarded as an *accusator idoneus* of a bishop. Conf. Book VI. c. vii. pp. 197, 201, 202.

troop around him; he cut his way through the opposing force, and fell upon the crowd of armed citizens, arrayed on the opposite bank, says his historian, like hawks upon their quarry. A frightful carnage of the flying enemy ensued, and, but for the humanity of the emperor, few of them could have escaped through the narrow lanes already choked up by fugitives.

But the insurrection was, after all, more a party movement than the result of a general state of disaffection. The republican—or as, in compliment to the modern phrase, we may be allowed to call it, the patriotic—party was humbled; and the emperor gave up the city to his pope, Leo VIII., without apprehension of a renewal of the late attempt. Adelbert, the son of Berengar, was understood to be lurking in the vicinity of Spoleto; and thither the emperor bent his steps, in the hope of seizing his person, or of driving him out of Italy. Several noble ladies of Rome, however, in whom, under the patronage of Pope John XII., the peculiar talent of Theodora and Marozia appears to have survived, found the means of alienating the friends of the new pope, and soon succeeded in rendering the city a very unsafe residence. Under the apprehension thus created, he deserted his post, and took refuge in the camp of his patron. John XII. was forthwith readmitted into the city, and again reverted to that course of criminal indulgence which had brought about his late expulsion. A short time only after his restoration he was slain in the act of adultery by the enraged husband of his paramour. His party, however, determined to maintain the ground they had won, and hastily enthroned a cardinal named Benedict upon the papal chair, by the name of Benedict V. But before the death of John XII., the active emperor was already on his march to reëstablish his authority in the city. On his arrival, he found the gates closed against him; but the citizens were not prepared to defend the walls, and a short blockade reduced them to unconditional submission. Pope Leo VIII. was reinstated, and Benedict was delivered into the hands of the

Temporary restoration of John XII.; his death.

Election of Benedict V.

Restoration of Leo VIII.

emperor. A numerous synod, collected on the instant, pronounced him a usurper; and Benedict himself appears to have been of the same opinion. He prostrated himself before his judges, confessed, and craved pardon for the sin he had committed in usurping the pontifical chair. He was then solemnly divested of the papal robes, and banished from Rome. The emperor committed him to the humane custody of the archbishop of Hamburg, in which city he died in the following year, with the reputation of a man of learning and piety.[u]

Proceedings against John XII. imperative, not legal.

The accounts handed down to us of the election, character, and habits of Pope John XII. are uniform and consistent. Yet, notwithstanding the enormous vices with which every part of his career was defiled, he is regarded by the majority of the papal biographers as the legitimate representative of the divine purity and power upon earth. But the thought was too shocking even for the profligate age in which he lived. Even the school of Theodora and Marozia had not yet learnt to distinguish between the personal and the representative characters: he that herded with wolves or with swine, was himself wolf or swine, and no other. A distinction so revolting to the moral feelings of mankind is by its very enormity barred out of the demesne of rational contemplation. The impeachment of John XII., in fact, discarded all considerations but those which affected the character of the miscreant who had for so long a period been permitted to violate every law of God and man. Laws, decretals, canons, were waste paper in the presence of so imperious a moral and religious necessity as that which presented itself to the synod that deposed John XII. No law was quoted, no decretal was put forward, no canon or precedent was appealed to. It was felt that the case was unprovided for either by ecclesiastical or pontifical legislation; and it may be reasonably asked whether the after-thought of a subsequent age, devised for the purpose of juggling the

[u] Our authority for this narrative of the coronation of Otho the Great, and its results, is the "Gesta Ottonis Magni" of Luitprand, ap. *Pertz*, tom. iii. pp. 340-346.

moral nature of man out of her rights, can find a place in any honest or rational scheme of human legislation.

Yet it is obvious that the rigid canonist cannot take notice of the emergency; in his view every part of the proceeding against John XII. is tainted with illegality. The pope was condemned in his absence; his accusers were laymen and inferiors, and the judgment was suggested and executed by incompetent authority. Benedict V., on the other hand, had been freely chosen by the suffrages of his fellow-citizens, and was, notwithstanding the dissent of the emperor and his own disclaimer, the true pope-elect. Whether that disclaimer were operative or not to vacate the holy see, the title of Leo VIII., which depended wholly upon the legality of the synod which deposed his predecessor, could not thereby be mended. If the renunciation of Benedict was valid, there was a clear vacancy of the pontificate, and every sacerdotal act of Leo VIII. was, in ecclesiastical contemplation, a mere nullity. The dilemma is of no very rare occurrence in papal history; and in such cases it is not easy to discover how the continuity of pontifical action, so essential to the theoretical perfection of the whole scheme, can, without the aid of a *Deus ex machina*, be sustained.[v] The election of Leo VIII. is, indeed, repudiated by modern canonists; and the renunciation of his rival is regarded, not without reason, as obtained by fear or undue influence. Benedict V., therefore, stands upon their lists as legitimate pontiff, while his rival descends to the unenviable position of anti-pope. In our view, the circumstances of the two cases preclude any rational decision upon their respective merits; nor need we trouble ourselves with speculations upon the question of right and title, where no solid basis of moral and religious law, and no absolute certainty as to the facts attending the transactions, are attainable to guide our judgment.

Remarks on the elections of Leo VIII. and Benedict V.

[v] No papal writer felt the difficulty of this position of the papacy more severely than the honest bigot Baronius. The good cardinal cuts the Gordian knot by assuming that, whatever be the vices of the occupants of the see of Peter, God never permits them to contaminate the holy chair. The man may be the child of Satan, the pope is still God on earth.

In the prosecution of these operations, Otho had lin-
Retreat of Otho. gered in the south of Italy till the month of July 964. The pestilential fevers, so fatal to the northern constitution during the Italian summer, had made sad havoc among his officers and troops. Fortunately there remained no enemy in the field to dispute his retreat; Berengar and his wife Willa were prisoners in Germany, and their son Adelbert was a houseless wanderer on the shores of Liguria and Corsica.[w] In the beginning of April 965 Pope Leo VIII. died, after a pontificate of only sixteen months; and was followed to the grave by his competitor Benedict V. in the month of July of the same year. After the decease of Leo, the clergy and people of Rome despatched deputies to the emperor, to learn his pleasure respecting the election of a successor. They were graciously received, and sent back accompanied by two imperial commissioners, with the nomination in their pockets. Soon after their arrival, the clergy and the people unanimously elected John bishop
John XIII. pope. of Narni, and enthroned him by the name of John XIII. Fortunately for the new pontiff, Benedict V. had died at Hamburg before the election; and thus he narrowly, and without any forecast of his own, escaped being numbered in the black list of anti-popes. But John XIII. was in no sense the successor of Benedict; and it is only by a wilful distortion of the principal fact attending his election that it can be rescued from the obloquy cast upon that of his predecessor Leo. The suffrage of the Roman clergy and people was, in fact, no more than the simple adoption of a foregone lay nomination; his title stands upon no better ground than that of Leo VIII., and it was probably so regarded by the Romans. His popularity was on the wane almost as soon as he was elected. The jealous aris-
Insurrection in Rome. tocracy of Rome viewed with extreme disgust his meddlings with the civil government, and came to the rash resolution to shake off their new master and the foreign connection at one stroke. Roffred, the præfect, or chief magistrate, of the republic, with the as-

[w] *Regin.* Chron., *Pertz*, i. p. 627.

sistance of the consuls and tribunes, seized the person of the pope, and, with no more violence than was requisite to secure the state against his irregular interference, conveyed him to the Campanian frontier, and left him there under the protection of the people of Capua, who received and entertained him hospitably for a period of ten months.[x]

In the mean time Roffred had died; and the emperor, after settling some disturbances that had broken out in Lombardy, continued his march to Rome. Alarmed by the active movements of Otho, the citizens hastened to make their peace with John XIII.; they recalled him from banishment, sued for the pardon of their late defection, and ostentatiously replaced him on the throne.[y] But the emperor, exasperated by the repeated treasons of his Roman subjects, laid aside the forbearing policy he had hitherto adopted—as much from natural clemency as from a view to his own interests. He promptly seized the persons of the primates and members of the government who had been most active in the expulsion of the pope; and after solemnising the feast of Christmas with more than ordinary solemnity, publicly consigned thirteen of the rebels—among them the twelve tribunes of the people—to the gallows. Agreeably to the barbarous usage of the times, the body of Roffred was disinterred, and his ashes scattered to the winds. His successor Peter had escaped immediate capture, but subsequently fell into the hands of the enraged monarch; and after suffering every indignity short of death, was sent into distant exile in Germany. The consuls were banished; and the whole scheme of government established by the great consul Alberic was dissolved.[z]

Punishment of the insurgents.

By these rigorous measures the independent spirit of the Romans was broken. Their shortlived republic, unsupported by those virtues which are peculiarly necessary to the maintenance of that form of government, had brought them no blessing; and they were by this time better dis-

Rome the metropolis; the pope the imperial viceroy.

[x] *Regin.* Chron. contin. ann. 965, *Pertz*, i. p. 628.

[y] *Id.* ibid. ann. 966, ibid. p. 628.

[z] *Baron.* ann. 966, § 2; *Ciacone*, Vit. Pont. i. p. 725.

posed to regard themselves as members and subjects of the empire. The emperor had fully indicated, both to his pope and to the citizens, in what light he regarded them and their city. *Rome was to be thenceforth the metropolis and centre of empire, and the Romans were to be bound by the same ties of allegiance as the subjects of every other municipality of the realm.* But to perpetuate this state of things, and to fortify himself against the caprices of the Roman faction, no expedient was open to him but to strengthen the hands of his client the pope, and through him to govern Rome. For this purpose, John XIII. was invited to celebrate the Easter festival of the year 967 at Ravenna, whither the emperor had summoned a numerous assemblage of Italian bishops and clergy to meet him. The pontiff presided in person, and Otho formally put him in possession of the recovered districts of the patrimony of St. Peter, including the city and territory of Ravenna, and the district forming the modern legation of Romagna. After appointing the following Christmas for the coronation of his son Otho, king of the Germans, as his associate and successor in the empire, he withdrew into the healthier climate of Tuscany for the summer months.[a] At the time appointed, Otho II. was, by command of his father, crowned Emperor of the Romans by Pope John XIII. Shortly after this ceremony, Luitprand bishop of Cremona was sent to the court of the Eastern emperor, Nicephorus Phocas, to demand the hand of the Princess Theophania, daughter of the late Emperor Romanus II., in marriage for his son and colleague. Luitprand has left us a curious narrative of his embassy, which may form an interesting and instructive episode in the civil history of the pontificate.

Coronation of Otho II.

Very soon after the late revolution at Rome, Nicephorus had addressed an embassy to Otho while in Italy, ostensibly to solicit the alliance of the powerful monarch of the West,[b] but in reality to ascertain the actual position, and, if possible,

Luitprand's embassy to Constantinople.

[a] *Reyin.* Chron. cont., ap. *Pertz*, i. p. 629.

[b] *Id.* ibid. cont. ann. 967, ubi supra, p. 629.

to fathom the intentions and projects of Otho. The report of the envoys could not have been in any wise consolatory. The vain and ambitious autocrat had entertained thoughts of extending his dominion in Italy; but the suppression of faction in Rome, and the reduction of the city and pontificate to peaceable dependencies of the great Western monarchy, were felt as a death-blow to these hopes, and inspired well-grounded fears for the fate of the distant and scattered dependencies of his crown in southern Italy. The Byzantine Cæsars had never dropped their claim to that country, nor indeed to any part of the territory included within the vast dominion of their predecessors; all that had ever belonged to that dominion was regarded as still *de jure* appertaining to it, and the actual possessors were considered as accountable trustees or administrators merely. The reëstablishment of a Roman empire of the West was in their view "a deed without a name,"—an enormous encroachment on the majesty of the throne of Constantine, that could not be too severely reprobated. That empire was now, however, firmly grasped by a hand not likely to relinquish any of the advantages it might bring within its reach. Nicephorus felt how much too short his own arm was to oppose effectual resistance to the accomplishment of any design that might be attempted by Otho against the feeble remnant of the Greek possessions in Italy. His envoys carried back with them confused and exaggerated reports of the fall of Hugo and Lambert; the dethronement and disappearance of Berengar II. and his son Adelbert; the unresisted march of Otho and his northern barbarians from the Alps to the confines of Campania; his cruel dealings with the civic magistracy of Rome; his military occupation of the ancient capital of the empire; his making and unmaking of popes. From all these particulars, Nicephorus came to the reasonable conclusion, that Otho regarded Italy as his own, and that he awaited only time and opportunity to make it so from the Straits of Messina to the Alps.

Plans and fears of the Emperor Nicephorus.

On his arrival in Constantinople, Luitprand found

Ill-treatment of Luitprand.

the mind of the emperor boiling with anger and suspicion. Many weeks elapsed before he could obtain an audience. In the interim he was confined to the lodging provided for him as a prisoner; he was not allowed to hold communication with any one outside his doors, and suffered to want even the commonest conveniences and comforts of life. When at last he obtained an interview with the emperor, it was rather as a criminal appearing at the bar of his judge than as the ambassador of an independent sovereign. The petulant autocrat in-

Wrath of Nicephorus.

timated that he could not be received in the character of an ambassador. It was, he said, incumbent upon him to mark his indignant sense of his master's iniquities; for had he not usurped possession of Rome, as if it had been the city of an enemy?[c] Had he not put to death many noble Romans with the sword and the cord? Had he not put out the eyes of some among them, and sent others into distant exile? Had he not slain Berengar and his son Adelbert, against law and justice?[d] Lastly, had he not, after attempting to possess himself of many cities and towns belonging to the empire, now sent him (Luitprand), under false pretences of peace and alliance, merely to espy the nakedness of the land?

To this long list of reproaches, Luitprand bluntly re-

Luitprand's reply.

plied that all that had occurred was imputable to the Greeks themselves. The emperor and his predecessors had neglected their duty, and had suffered disorders to accumulate in Italy, till the interference of a foreign power had become necessary for the restoration of peace in church and state; that in the execution of this duty his master had not stepped beyond the limits of established law; and that, in awarding the punishments inflicted upon malefactors and rebels, he had been guided by the statutes of Valentinian, Theodosius, and Justinian. The emperor had alluded to the occupation of Beneventum and Capua by his master: but those were not Greek, but Italian cities; the inhabitants were Ita-

[c] Intimating that Rome belonged to the empire of which he (Nicephorus) was the sovereign.

[d] The disappearance of both accounts for this mistake. Adelbert no doubt had had some understanding with the Greeks of Calabria and Sicily.

lians; they had been originally conquered from the Greeks by the Lombards, and afterwards rescued from the hands of the Saracens by Louis II.; and that, therefore, the emperor's objection on that score could only be ascribed to a captious and quarrelsome spirit.

This bold retort brought the emperor to the point. As the price of the proposed connection, he required Otho to resign Ravenna, Rome, and the whole of southern Italy, to the Byzantine empire: but if, instead of the more honourable alliance, he desired only to be upon friendly terms with Constantinople, he must first set at liberty his Roman captives, and deliver the rebel princes of Capua and Beneventum, together with all territories comprised within their principalities, into the hands of the emperor. Luitprand, in reply, denied that the Romans had ever been deprived of their lawful liberties by his master; he had, in fact, done no more than was requisite to carry into execution the *donation of Constantine*, a document still extant in the papal archives;[e] he had hastened to surrender to the holy see all that it had become entitled to under that deed, as also all that appertained to the patrimony of St. Peter in Germany, and the other kingdoms subject to his sceptre: and it now only remained for the Emperor of the Greeks to do the like act of justice on his part.

Demands of Nicephorus.

Luitprand, it seems, fully aware of the irritable vanity of the Greek court, had not chosen to risk the success of his mission by direct assertion of his master's imperial rank and title. Pope John XIII. was less circumspect. Intending to promote Otho's suit, he despatched legates to Constantinople with an address to the "Emperor of the Greeks," earnestly recommending him to comply with the request of the "Emperor of the Romans." The bare announcement of a request in such a form kindled a tempest of wrath in the mind of the childish despot. "Such insolence," he said, "such blasphemy, from the mouth of a miserable barbarian, was intoler-

Impertinent interference of John XIII.

Childish rage of Nicephorus.

[e] Luitprand does not say that he ever saw this document. It is, however, likely that in the tenth century something of the kind had been smuggled

able." The legates paid the penalty of their master's imprudence in a common gaol; and Luitprand was informed that "the emperor would not acknowledge as true pope the wretched man who had communicated with the impious son of Alberic (John XII.): he had no doubt but that the impudence of that person had been suggested by King Otho: though perhaps the latter might be excused on the ground of his barbarism; he being ignorant of the fact, that when Constantine the Great transferred the seat of empire from Rome to Constantinople, he carried away with him the whole senate, and all the nobility of Rome, to his new capital, leaving behind him none but the most abject slaves, fishermen, cooks, mountebanks, and other vagabonds and rabble."

Dismissal of Luitprand.

With this miserable falsehood Nicephorus closed the negotiation. After some months more of mean and cowardly ill-usage, inflicted upon Luitprand in order to extort from him a treaty that might serve to gratify the vanity, if it might not contribute to promote the interests, of the Greeks in Italy, the ambassador was allowed to take his departure.[f]

Decline of papal influence in the East.

The century which had elapsed since the triumph of Rome in the Photian controversy[g] had witnessed the wreck of the papal influence in the East. While the power of the Carolingian princes was crumbling to dust, the Greek empire had been gradually recovering from the rude shocks sustained from the Saracen invasions. Political as well as religious contests had ceased between the two great divisions of the Christian world on all points but one. The nominal sovereignty of the Byzantine was acknowledged over a great part of the modern kingdom of Naples: though but a small portion of that territory was in actual possession of the Greeks; the rest was disputed by emperors and kings of Italy, princes of Bene-

into the papal archives. References to such an instrument had become so common in the latter part of this century and the next-following ages, that it is difficult to suppose it to have been a mere creature of fiction, or false report.

[f] See *Luitpr.* Relat. de Legat. Constant., ap. *Pertz*, iii. pp. 347-363. The fate of the legates of Pope John XIII. is not mentioned.

[g] Conf. Book VII. c. vi. pp. 390, 391, of this work.

ventum and Capua, and piratical Saracens. It is observable that the papal influence in the East had declined in the same degree as the political power which sustained it; within that period the papal state may be said to have vanished from before the eyes of men. The moral decrepitude of the pontiffs, their exclusion from the government, and, perhaps still more, their personal servitude, —first under the ignominious yoke of the hetærocracy, and afterwards under the vigorous sceptre of the great consul,—had obscured their spiritual character, and wholly deprived them of those outward trappings of power which were requisite to command the respect of a supercilious and vain-glorious court, which in ceasing to fear always desired to oppress.

Non-intercourse between Rome and Constantinople.

In the West, the papal influence, though fallen from its high estate, was still instinct with life as a centre of hierarchical action. But in the East the fruits of the triumphs of Rome over the national church of the empire had withered away as soon as the factions which had nursed them into maturity had subsided. The momentary supremacy obtained had never ripened into *right;* it had never passed into *law*, nor found such a registry as that which the Latin primacy had built up for itself in the decretal code. In fact, the bond of union between the Eastern and Western churches, almost from the moment of the separation of the two branches of the empire, had at all times been conventional and temporary rather than habitual or permanent. Though the patriarch of Constantinople had more than once bowed the neck to the determined will and restless activity of the pontiff of Rome, he had more frequently appeared before him as a rival than as a subject. On every one of those occasions the ascendency of Rome was rather apparent than real, and in none more so than in that great success which immediately preceded the long cessation of intercourse so unfortunately revived upon occasion of Luitprand's embassy. But in the year 971 the Emperor Nicephorus was dethroned and put to death, and John Tzemisces was chosen to succeed him. The Emperor Otho renewed his application to the new

monarch for the union of his son with a princess of the imperial family. The overture was now cheerfully entertained; the lady Theophania was sent into Italy, and the nuptials were solemnised by Pope John XIII. at Rome.

CHAPTER IV.

PAPAL INFLUENCE IN GERMANY.—TENTH CENTURY.

Benedict VI. pope — Death of Otho the Great — Crisis in Italy — Movement in favour of liberty — State of Rome — Murder of Benedict VI. — Boniface VII. pope — Benedict VII. pope — Otho II. in Italy — His projects, defeat, and death — John XIV. pope; murdered by Boniface VII. — Faction in Rome — John XV. pope — Rome during the minority of Otho III. — Gregory V. pope — Plot of Crescentius and Philagathus — Philagathus (John XVI.) pope — Punishment of Philagathus and Crescentius — Sylvester II. (Gerbert) pope — Otho III. in Rome — Otho III. harangues the Romans — Scheme of Otho III. — Character of Otho III. — Interferences of Otho in ecclesiastical affairs — Forbearance of the priesthood under secular control — Illness and death of Otho III. — Vices of the Roman republic — Elevation of the papacy by the Othos — Their dealings with the popes — General plan of ecclesiastical emancipation — Rome and the Germanic churches in the tenth century — The Princess Sophia at Gandersheim — Controversy about the superiority of Gandersheim — Synod of Pölden — The bishops disregard the imperial summons — Imperial synod at Todi — Adjournment of the cause of Bernward — The cause abates; is settled by Henry II.

John XIII. presided over the Roman church for the period of seven years within three or four weeks.[a] After his death (A.D. 972), the choice of the emperor fell upon a noble Roman, who ascended the chair of Peter by the title of Benedict VI.[b] Otho the Great died in the same year; and that event connects itself with a new phasis in the history of Italy. Without hazarding a conjecture as to what might have been the fate of that magnificent region if the spirit and the genius of Otho I. had been permitted to preside over its destinies for a longer period, or if the same opportunities, supported by the like abilities, had been afforded to his successors, we perceive that we are entering upon a period of national movement upon a larger scale. New and more general interests obtrude

Benedict VI. pope—Death of Otho the Great.

Crisis in Italy.

[a] The exact term, according to the pontifical books, was six years eleven months and five days. *Ciacone*, Vit. Pont. i. p. 725.

[b] In some catalogues he stands as Benedict VII.

themselves among the materials of popular agitation; and while they add to the violence of the action, point clearly enough towards a broader and more liberal development of the national powers. Up to this point of time, we read in the history of Italy—as perhaps in that of all feudal states—scarcely a passing notice as to the condition of the mass of the people, except in connection with the material interests of kings and princes, bishops and abbots, great lords and their dependents. When war and pestilence and famine have swept away tens of thousands, such calamities are deplored rather as disturbing the balance of party, or diminishing the wealth and resources of rival princes and chiefs, than with any feeling for the sufferings of the servile multitude. But from the death of Otho the Great we hail the apparition of a strictly popular spirit among the constituents of civil and social life in Italy. Though strangely intermingled with, and modified by, the older elements, the general direction is in favour of liberty, and essentially tends to check the action, and to mitigate the worst excesses, of feudal tyranny.

Movement in favour of liberty.

By the death of Otho the Great, and the disturbances in Germany, which detained his successor in his own country for a term of between seven and eight years, Italy was relieved from that pressure from without whose natural tendency always is to keep things in their places, and to resist any national movement perplexing or offensive to the ruling power. Rome had set a brilliant example of resistance to the absolutism of her bishops; and that example had been followed by a very general movement of the cities of Italy in opposition to the arbitrary powers exercised by the presiding prelates. The civic nobility, traders, handicraftsmen, had become split up into parties and guilds; some, indeed, disposed to support the episcopal dynasts, but a majority intent upon the recovery of those municipal rights and privileges which had fallen a sacrifice to ecclesiastical ambition and rapacity. The absence of their imperial protector had the effect of throwing back the episcopal and imperial parties upon their own resources. Feuds and

party warfare were waged in every great city of Italy with a perseverance and animosity unparalleled in any prior period. The civic nobles and wealthier inhabitants fortified themselves in their houses, and surrounded themselves with armed servants and family dependents. From these towers and castles they issued forth to give battle to their antagonists, and secured themselves within their walls in case of reverse.

No city of Italy abounded in such places of refuge to the same extent as Rome. The remains of the great theatres, amphitheatres, and colossal monuments of antiquity, were for the most part converted to this use. Theodora and Marozia, the great consul Alberic, and his son John XII., had governed Rome from the mole of Hadrian, whose solid structure bade defiance to the siege-tactics of the age. The theatre of Marcellus, the baths of Nero, the Palatine buildings, were converted into forts, and occupied by consuls, tribunes, and nobles, jealously watching and checking each other's movements. The lawless tendencies of such a state of society were, however, modified by the necessity of combination; and they brought with them the further advantage of lifting the mass of the people into a degree of importance they had not hitherto enjoyed. Though destitute of any organised government, the people of Rome were now in a condition to help themselves; and their first effort to that end was successful. They set up a certain cardinal deacon, Francone, son of Ferrucio, against the imperial pontiff Benedict VI., and enthroned him by the name of Boniface VII. The intruder seized the person of Benedict and imprisoned him in the castle of St. Angelo, where he was either strangled or suffered to die of hunger.[c] But the popular party, under the chieftainship of a Roman notable called Crescentius, or Cencius, was still too weak to withstand the powers of the Tusculan faction, whose interests now coincided with those of the imperial faction; and the intruder Boniface fled by sea to Constantinople, after emptying the pontifical treasury of all its valuable contents.

State of Rome.

Murder of Benedict VI.; Boniface VII. pope.

[c] *Ciacone*, Vit. Pont. i. p. 731.

The Tusculans remained for the present masters of the holy see; and they disposed of it by the election and instalment of Benedict bishop of Sutri, by the name of Benedict VII.[d] In the year 980, the Emperor Otho II. was set free to attend to the interests of his Italian dominions; and in the spring of the year 981 he marched to Rome, where he found the government in friendly hands. Hurried onward by military ardour, he rashly resolved, with the inadequate force at his command, to reduce the whole of southern Italy into possession by the simultaneous expulsion of Greeks and Saracens. But this design had been betrayed to the Byzantine court, and the Emperors Basil II. and Constantine IX. made common cause with the Mohammedan chiefs for their mutual defence. Otho incautiously rushed upon the confederates, and sustained a fatal repulse. After escaping many dangers from the pursuit of the victors, the emperor reappeared at Rome in the humiliating guise of a fugitive; and there he suddenly died, in the month of December 983, at the early age of twenty-eight. In the July of the same year Benedict VII. had preceded him to the grave; and Otho, before he expired, nominated his chancellor, Bruno bishop of Pavia, and enthroned him by the name of John XIV.

Benedict VII. pope.

Otho II. in Italy.

His projects, defeat, and death.

John XIV. pope.

The death of the emperor raised the spirits of the popular party. With the aid of the Greeks, Francone (Boniface VII.) was enabled to return to Italy, and was secretly introduced into the city by the Crescentian faction. John XIV. was surprised in his palace, and starved to death in a dungeon of the castle of St. Angelo. By a lavish distribution of the wealth brought with him from Constantinople, Boniface maintained himself upon the polluted throne till his death, which occurred about eleven months afterwards.

Murdered by Boniface VII.

The decease of Boniface VII. was the signal for incessant feuds and almost daily bloodshed in the streets of

[d] The interpolation of a Pope Donus, or Domnus, between the two Benedicts is rejected by every historical critic of the period. See *Pagi*, ad Baron. ann. 974, § 1; and *Sismondi*, Rép. Ital. i. p. 173.

Rome. Issuing from their fastnesses, the different parties gave battle to each other whenever they met; so that the shortest excursion beyond every man's door was a miniature campaign. Alberic count of Tusculum, the chief of the imperial party, and Crescentius, or Cenci, the leader of the populace, contested the appointment of the pope. The imperialists obtained possession of the dead body of Boniface, and, after dragging it ignominiously through the streets, and mutilating it with insane fury, left the remains to rot in the Piazza Colonna.[e] Each party now set up a pope of its own; but success appears ultimately to have rested with the Tusculans; and John, the son of Leo, figures in the pontifical catalogues under the name of John XV. But soon afterwards, by the death of Alberic of Tusculum, the tables were turned against the imperialists. Crescentius was once more master of the city; and John XV., more fortunate than his three predecessors, escaped, safe in life and limb, into Tuscany (A.D. 987).

Faction in Rome.

John XV. pope.

Otho III., grandson and heir of the great monarch under whose government Italy had retrieved much of her forfeited prosperity, was at this moment a child of scarcely seven years[f] of age. Placed by his father under the guardianship of his Greek mother Theophania, he imbibed her tastes and feelings together, and all the knowledge of language and antiquity she herself was qualified to impart. Though the information conveyed may not have amounted to much, it was sufficient to raise the young prince to a degree of attainment far above the youth of his age and nation. During his nonage, no effectual step could be taken to support the imperial party in Rome. The Tusculans were successfully repressed; Crescentius took upon him the title of consul, and indulged the citizens with one of those passing visions of freedom and self-government

Rome during the minority of Otho III.

[e] The Jesuit *Olduin*, in his notes to Ciacone, in Vit. Bonif. VII., says that the body of this wretched being was exposed in "Platea Lateranensi;" but that it was, after some days, taken away and buried by the pious care of some of the clergy.

[f] He was hardly three years old at the death of his father, Otho II., in 983.

which had more than once flattered them into a belief in their own capacity to revive and sustain the institutions of their forefathers. But the quiescence of the short term of nine or ten years had not taught them either to mature their civic polity, or to renounce a spirit of faction irreconcilable with any durable form of government. Pope John XV. died in the year 996; and in the same year Otho III., then barely sixteen years of age, assumed the reins of government. His mother, Theophania, had managed the affairs of Italy with vigour and discretion; and nothing occurred to impede the march of the young king to the city he had been taught to love and respect as the capital and proper seat of empire. And there he set up his throne without opposition; he nominated his cousin Bruno to the papacy, and enthroned him by the name of Gregory V. The new pontiff soon afterwards crowned him emperor of the Romans;[g] and Otho retired into the cooler regions of the north for the summer months.

Gregory V. pope.

Crescentius, it appears, had received a free pardon from the emperor through the intercession of Pope Gregory. But the young monarch had scarcely turned his back upon Rome, when the pope was, by force or intimidation, expelled from the city, and driven to take refuge in Lombardy. Otho, in whom a taste for the Byzantine connection had been fostered by his mother, had selected Philagathus bishop of Piacenza—a Calabrian Greek—to solicit the hand of a princess of the imperial family of Constantinople. The envoy returned with two ambassadors from that court. It happened strangely that, on their return, the three agents landed at Rome, and were with extraordinary facility prevailed upon by Crescentius to take part in a plot for liberating the republic from the barbarian yoke, and reannexing it to the Byzantine empire; and, as an earnest of his sincerity, Crescentius elevated Philagathus himself to the papal throne, by the title of John XVI.[h]

Plot of Crescentius and Philagathus.

As soon as intelligence of this unprovoked usurpation

[g] On Ascension Day (25th of May) A.D. 996.

[h] *Baron.* ann. 996, §§ 15-18, quoting from the "Acta S. Nili Abbatis."

reached the ears of Gregory V. in Lombardy, he hastened to convoke a great synod at Pavia. The assembly, we are told, was attended by all the prelates of Italy, and very many German and French bishops. Without a dissentient voice, sentence of excommunication and anathema was issued against Crescentius and his pope John XVI.; and the emperor, without a moment's delay, put himself in march for the south. On his approach, the intruder consulted his own safety by a hasty flight; but unluckily fell into the hands of his pursuers, and was brought back a prisoner to Rome. Crescentius, meanwhile, retired with his friends to the castle of St. Angelo, where he bade defiance to the imperial arms. In conformity with the savage practice of the age, Philagathus was cruelly mutilated by his captors; and in this state, by order of Pope Gregory, paraded through the streets on an ass, with his face to the tail of the animal. The fate of Crescentius is differently told by the German and the Italian annalists. From the former it should appear that the mole of Hadrian was gallantly stormed by the imperialists; that Crescentius was taken alive, and afterwards publicly beheaded as a traitor in the Meadows of Nero. Other accounts affirm that the unfortunate consul was enticed from the castle under a safe-conduct to treat for a surrender; that he was treacherously made prisoner; and that the emperor forthwith ordered his head to be struck off, and his body to be hanged up by the heels from the walls of the castle.[1]

Philagathus (John XVI.) pope.

Punishment of Philagathus and Crescentius.

Pope Gregory V. died in the year 999; and Otho III. raised his friend and preceptor, Gerbert archbishop of Ravenna, to the papal throne. The new pontiff assumed the name of

Sylvester II. (Gerbert) pope; Otho III. in Rome.

[1] For these several versions of the affair, see the authorities quoted by *Fleury*, xii. p. 326; *Mascou*, Comm. de Reb. Imp. &c. i. pp. 96, 97; *Cent. Magdeb.* cent. x. p. 719. *Sismondi* (Rép. Ital. &c. vol. i. p. 169) adopts the Italian version without suspicion from the "Acta S. Nili" as quoted by Baronius, ad ann. 996, §§ 16-18; but see *Arnulphus Mediolanensis*, lib. i. cc. xi. xii., ap. *Murat.* Ss. Rr. Ital. tom. iv. p. 11; and compare *Landulphus* Senior, Hist. Mediol. lib. ii. c. xix. ibid. p. 81; and the *Chron. Cassinens.* lib. ii. c. xviii. ibid. p. 352. Muratori admits the improbability of the account which imputes the treachery.

Sylvester II. After settling affairs in Italy, Otho III. spent two years of his short but active life in Germany. In the year 1000 he returned once more to the land of his affections. Pope Sylvester was ill at ease in his new position. The Crescentian, or popular party, though it could find no hold in the city, was still unbroken. The chiefs of the faction had retired to, and retained military possession of, the strong fortress of Tibur, or Tivoli, on the Anio, at a distance of about eighteen English miles east of Rome. The intervening plain tract became the field of many bloody actions between the imperialists within and the Tiburtine exiles without the walls. These feuds embittered the animosity between the two parties; and Pope Sylvester earnestly entreated the presence of the emperor, to restore peace, if possible, upon terms which should give a triumph to neither. About the close of the year 1000 Otho III. arrived at Rome, and laid siege to Tivoli. After an obstinate defence, the exiles were prevailed on to surrender, and, to the mortification of their rivals in Rome, received a free pardon. Exasperated by the unexpected lenity, which disappointed them of their anticipated revenge, the Roman populace flew to arms, and rushed upon the emperor and his German guard. Bishop Bernward of Hildesheim, a prelate of the imperial suite, and a man of courage and presence of mind, grasped the miraculous lance which, according to popular belief, pierced the side of the Saviour, and advanced with it in front of the imperial array. At once the tumult was hushed; the populace reverently laid down their arms, and retired to their homes.

Otho III. harangues the Romans.

On the following day, the emperor proclaimed a general assembly of the Roman people, for the purpose of taking the oath of fidelity to his person and government. He had caused an elevated stand, or tribune, to be erected; and from that lofty station he harangued them in correct Latin phrase. "Romans," he said, "are you not my own Romans,—my people, for whom I have left behind me country, and home, and kindred; for whom I have forsaken my native Saxons and my faithful Germans,—my own blood rela-

tions,—and have carried you in my arms to the remotest parts of my empire, where your fathers, even after they had conquered the rest of the world, were never able to plant a foot? All this have I done, that I might spread your name and your renown to the ends of the earth. Nay, I have adopted you as my children, and preferred you above all others, and have for your sakes drawn down envy and ill-will upon myself. In return for all this love, you have driven your father from you; you have cruelly slain my servants; you have closed your gates against me, though you cannot close my heart against you. Yet what hath it profited you? With a glance of my eye I have detected, and am now able to point with my finger at, the very authors and movers of this sedition: and while I am thus able to expose them to the public gaze, I have no apprehensions of being misled; for it would be monstrous indeed if my own faithful friends, whose innocence is my glory, were to be so confounded in my mind with the guilty, that I could not distinguish them from each other."[j]

Scheme of Otho III.

The novelty of the scene, the correctness of the language, and noble bearing of the imperial orator, produced a profound impression upon the audience. They not only took the oaths required with apparent good-will, but themselves did execution on those who had seduced them into the sedition of the previous day. But with all these demonstrations of confidence, Otho did not tarry long among his affectionate Romans. He retired with his friend Pope Sylvester to Ravenna, where he took up his winter quarters, after despatching an urgent summons to the princes of Germany to join him, without a moment's delay, with all the military force they could muster. He had, in fact, from his earliest childhood,—probably at the suggestion of his ambitious mother Theophania,—indulged in the dreamy contemplation of a renovated church and empire, framed upon the model exhibited in the garbled histories of the reign of Constantine the Great; narratives by this time incurably disfigured by fabulous tradition and forgery. With this

j *Vit. S. Bernwardi*, ap. *Pertz*, tom. iv. p. 770.

view, he had accustomed himself to regard the city of Rome as the capital of the empire; he had revived some of the older forms of the imperial state, and borrowed others from the practice of the Byzantine court. He had applied himself diligently to the study of the Latin and Greek languages, and even aspired to the distinction of an orator. It is believed of him that he contemplated the reunion of all the various members of the Western empire into one imperial state, and the reëstablishment of that strict connubial union with the church which, in the speculations of the age, was regarded as the ideal of perfect government.

Character of Otho III.

The character and habits of this singular youth are painted with the most opposite colours by friends and opponents. It would be too much to give him credit for the steadiness of purpose requisite to the accomplishment of the gigantic design he is said to have entertained. The visions of an ardent, perhaps a poetical mind, are not often accompanied by that matured and well-digested plan of action, which reflection and experience alone can suggest. In the Emperor Otho III., a lively, active and sensitive spirit was ill sustained by a weak and sickly body. Under the fluctuating influence of indisposition or health he was susceptible of the most opposite impressions. He was a diligent collector of holy relics,[k] he founded several monasteries and religious houses, and sought the conversation of men of reputed learning and sanctity of life.[l] He is even said to have contemplated retiring from the world after he should have accomplished his great scheme of empire; an intention quite consistent with the state of the religious conscience of an age of exaggerated vices, extravagant remorse, and ascetic practice. Some contemporary Italian writers, on the other hand, describe him as a cruel, faithless, and lustful tyrant, capable of dragging Stephania, the desolate widow of the murdered Crescentius, to his bed.[m] His mode of dealing with ecclesiastical

[k] *Thangmari* Vit. S. Bernwardi, ap. *Pertz*, iv. pp. 770, 771.

[l] *Petri Damiani* Vit. S. Romualdi, § 30, ubi sup. p. 853.

[m] The stories told of Stephania differ. *Arnulph* of Milan (loc. mod. cit.) says that she was delivered up to the outrages of the Germans. *Landulph* gives

affairs answers to no strict principle of non-interference with the sacerdotal prerogative, and thus affords sufficient proof that the relinquishment of any presumed right of his crown formed no part of his projected union of the spiritual and temporal powers. During his residence in Germany, prior to his last expedition to Italy, he erected the city of Gnesen in Poland into a metropolitan see; and of his own prerogative instituted bishoprics in various parts of his Germanic realms.[n] These appointments appear upon the national records as acts of imperial prerogative; and in some cases they seem to have been done in derogation of prior ecclesiastical jurisdictions. More fatal defects might have been detected in the elevation of his cousin Bruno, and subsequently of his friend and tutor Gerbert, to the papal see; both of whom were to all intents and purposes the creatures of his arbitrary will.[o] Both were foreigners, and were known to the Romans in no other character than as the servants of a foreign master. And if, in fact, Rome was to become and continue to be the residence of the sovereign, and the seat of empire, no other arrangement is conceivable; regard being had to the indistinctness of men's ideas of the just

Interferences of Otho in ecclesiastical affairs.

a long and obviously exaggerated account of the injuries she had sustained, and of the foul revenge she took of her tyrant (Hist. ubi sup. pp. 81, 82) during his last illness. *Leo of Ostia* (Chron. Cassin. lib. ii. c. xxiv. p. 355) alludes to this impudent fiction; but with an "*ut fertur*," showing that he accepted it as rumour only. It is strange that Sismondi should have exercised so little circumspection as to adopt this incredible tale almost *in toto* in his Hist. of the Italian Republics.

[n] *Mascou*, Comm. &c. i. p. 101; *Fleury*, xiii. pp. 339, 340. See also *Baronius* (ann. 999, § 13), quoting the Chron. of *Ditmar* of Merseburg as to the erection of Gnesen into an archiepiscopal see. The cardinal slips out of the difficulty by imputing these acts of ecclesiastical power to the cardinal-legate of the holy see, who was, he tells us, sent with the emperor into Germany. He does not, however, name the cardinal-legate in question; and we know not where the fact of any such person having been attached to the imperial court is to be found. We suspect it was an ingenious conjecture of the cardinal's, given as the only mode of explaining the anomaly; *ergo*—a fact. But he proceeds—somewhat inconsistently, after explaining the transaction to his own satisfaction—to throw doubt upon the fact itself; because he finds that Gregory VII. (eighty years afterwards) knew nothing of any archiepiscopal see in Poland. Conf. *Greg. VII.* Epp. lib. iii. ep. 73.

[o] There could be no mistake. The assent of the clergy, senate, vassals, and people to these nominations were obviously mere formalities. The German annalists do not, indeed, mince the matter. They describe Gregory V. and Sylvester II. as appointed *by the emperor*, just as they describe the archbishops and bishops created by him in Germany as his creations.

limits of the secular and ecclesiastical powers, and the numberless collisions which, under any other regulation, must have occurred to disturb the course of regular government.[p]

Forbearance of the priesthood under secular control.

And there are, in the history of the intercourse of the Saxon emperors with the people and church of Rome, many indications of a fretful uneasiness under the sense of servitude such a connection could not fail to bring with it. The people expressed their deep grudge by frequent—almost inexplicable—revolts and tumults. The churchmen were for the moment content to abide their time; and for this dilatory policy they had good and sufficient grounds. Whatever resentments may have been inspired by the late arbitrary interferences of the secular power, they found ample compensation in the sudden and almost miraculous augmentation of their spiritual authority in every quarter of Latin Christendom. The emperors of the Saxon line identified themselves and their interests with those of the popes they set up; they regarded whatever might contribute to the exaltation of the holy see as a homage and an increment to their own power and glory. Rome was now the city of the emperor; the pontiff of Rome was the supreme bishop of the empire; the emperor was the patron and protector of the pope, and the extension of the spiritual influence of the pontiff was in reality an extension of his own political influence at home and abroad. According to every analogy of human affairs, such a state of things could not last; and whatever advantage could be derived from it must rest with the party that was cunning enough or strong enough to maintain its own coherence when the inevitable disruption should take place.

Illness and death of Otho III.

After his retirement from Rome, and while awaiting the arrival of the overwhelming reinforcements he expected from his German lieges, the emperor and his pope Sylvester celebrated the Christmas at Todi, in the duchy of Spoleto. Thence they re-

[p] The example of Constantinople has furnished us with a case parallel to that contemplated in the text.

moved to Paterno, near Civita Castellana, at a distance of about twenty-five miles north of Rome. Here Otho was attacked by a lingering fever, which put an end to his short-lived career on the 23d of January 1002, in the twenty-first year of his age. Several Italian writers have chosen to ascribe his death to poison, administered by Stephania, widow of Crescentius, whom he is said to have debauched. But the story is tainted by so many improbabilities, and the weakly health of the young monarch so peculiarly exposed him to the influences of a climate at all times uncongenial to the northern constitution, that we cannot hesitate to adopt the more probable narrative of his countrymen and attendants.[q]

Vices of the republic of Rome.

At the death of Otho III. the papacy had lived through the most critical period of its political existence. From the reign of John VIII. to the invasion of Otho the Great, the popes of Rome had fallen to the lowest depths of religious and social degradation. They had been alternately the slaves and the victims of faction. From the latter epoch they emerged once more into moral and political being, but as the clients and dependents of a military protector. The course of papal history throughout both periods shows demonstrably that the Italian laity were gradually learning to detach themselves from sacerdotal domination. The Romans had thrown off the yoke of their bishops, and gloried in the achievement of republican liberty. Upon this subject the adverse factions were as unanimous as party views and interests permitted. They fought, not for the papacy, but for party ascendency; and in the frenzy of intestine strife neglected every pre-

[q] Stories of poisonings are always to be received with great caution. There are several reasons for believing that the Emperor Otho III. died of a slow climatic fever. *First*, he himself apprised his friend Thangmar (biographer of St. Bernward) that fever had been hanging about him for some time, and he had complained to him several days before his death; and *secondly*, as to the alleged poisoning, Stephania had nothing to gain and every thing to lose by putting Otho to death. At her request, the emperor had not only restored to John, her son by Crescentius, all his father's confiscated property, but had made him imperial prefect of Rome. The death of Otho deprived him of that office, and threw him back into the position of a party chief in opposition to the surviving Tusculan faction. See *Leo*, Gesch. v. Ital. vol. i. p. 537: conf. *Thangm.* Vit. S. Bernw., *Pertz*, iv. p. 775; *Lantberti*, Vit. Heriberti, § 7, ibid. p. 745.

caution for the security of their newly-acquired liberties. Still, if they were ever to be brought back under the papal yoke, it must be by a preponderant external force. This operation was accomplished by the princes of the house of Saxony. The Romans paid the penalty of the incurable vices which disorganised or neutralised all their aspirations after political freedom, and they soon learned to kiss the hand which had dashed the cup of liberty from their lips.

Elevation of the papacy by the Othos.

But the Othos performed more important services to the popes than the mere resuscitation of their civic ascendency. They reopened the communication, and strengthened the religious bonds which connected the pontiffs of Rome with the people and the hierarchy of Italy and the north. They identified their own interests with those of their pontifical clients, and raised them to a seat beside themselves on the throne of empire. The first Otho restored the entire domain that had ever formed a part of the patrimony of St. Peter. His grandson defined and extended the limits of prior genuine endowments and acquisitions. He cleared the title of the papacy by a charter so framed as to dissipate the doubts created, on the one hand, by forgery and usurpation; and on the other, by the profligate alienations of the pontiffs themselves, and the encroachments of their own feudal subjects and neighbours.[r]

Their dealings with the popes.

In all their public acts, the Othos spoke and dealt with their ecclesiastical staff as masters. They meted out to them their possessions; they prescribed the mode of enjoyment; they quashed episcopal and papal alienations, and freely reprehended

[r] See the charter, ap. *Pertz*, Legum, tom. ii. part ii. p. 162. This document more particularly provides against those alienations of church-property which had resulted from the "carelessness and ignorance" (*incuriâ et inscitiâ*) of the preceding popes, whereby the church had lost almost every thing it had ever possessed. The charter restores to the holy see *in integro* the whole of the eight counties or districts therein specially described in full property; and annuls the fictitious donations of Constantine, Louis the Pious, and Charles the Bald. He did the like service to the sees of the kingdom, by prohibiting all alienations of church-property by prelates and abbots, either by deed of gift or subinfeudation; and annulling all existing grants of that nature beyond the life of the donor. *Pertz*, ubi sup. part i. p. 37.

pontifical prodigality; they set aside spurious donations, and settled the title of the Petrine patrimony upon a single charter, grounded upon old Germanic law, in virtue of which all royal or imperial grants were subject to confirmation at the demise of the crown.[s] In their hands the pontifical dignity was a donative; presumed, indeed, to move from a sense of religious obligation, but leaving the choice to their own unobstructed discretion.[t] But with all this, the Saxon emperors were the only serviceable friends of the papacy at this period of its existence. By them the pontiffs were emancipated from the tyranny of faction, restored to wealth and honour; their temporal condition secured; their communications recovered; and their spiritual influence supported by the whole weight of the most powerful of the European monarchies.

General plan of ecclesiastical emancipation.

And, in truth, the work of Nicolas I. and Hadrian II. had to be begun over again. The neglect of a century had unhinged the whole ecclesiastical machinery. The unprofessional and irregular habits contracted during that anomalous period had to be overcome; the corporate spirit in the church must be revived, and a vast mass of rubbish and ruins must be removed, before the strong foundations laid in the past ages could be cleared for further progress in the reorganisation of the great spiritual household which was to array kings and princes, nations and people, beneath the feet of the representative of the Divine Majesty upon earth. But for this sad drudgery the reformers were compelled to travel out of the hallowed precinct, and to collect labourers from the carnal element—from the "powers of this world"—"that kingdom of darkness" which they were to subdue unto themselves.[u] This was

[s] See discourse in the supplementary part of *Dr. Pertz's* edition of the Laws of the Germans, vol. ii. pp. 159 et sqq. of his Monum. German.

[t] Thus, on the grant of the eight counties to the Patrimony of St. Peter, Otho III. enounces the principle of the proceeding: "Sicut enim pro amore Sancti Petri, Dominum Sylvestrem magistrum nostrum *papam elegimus*, et Deo volonte ipsum serenissimum *ordinavimus et creavimus;* ita pro amore ipsius, Sancto Petro *de publico nostro* dona conferimus," &c. *Pertz*, ubi sup. Father *Pagi*, ad *Baron.* ann. 999, § 3, p. 391, flouts this document as a "foul forgery."

[u] Conf. Book VI. c. vii. p. 200.

indeed a delicate task. Coöperation upon any common principles was hardly to be expected; it must be sufficient if such a general agreement as to proximate objects could be established between them and their agents as might—without reference to any principle—clear away the obstructions which stood in their way. This kind of aid was afforded by the Saxon emperors; and they did their share of the work with vigour and success. The pontiffs were relieved from the irksome gaspings of their Roman subjects after liberty; and were enabled to defy the national dislike and contempt contracted while they were the abject creatures of Marozia, or the obedient clients of Alberic. Room was cleared for a dogmatic scheme of spiritual domination to breathe more freely, and a prospect opened of dealing with their allies in the outer world so as to derive all the advantages of the work done without paying too heavy an amount in wages to the labourers.

Rome and the Germanic churches in the tenth century.

Some judgment may be formed of the degree to which the papal influence in the Germanic churches had fallen, from a short review of certain transactions in that country which would otherwise be of little interest to the progress of our narrative. During the lapse of nearly a century there are very few appearances of intercourse with Rome. Within that period the bishops of the greater sees assembled synods, and settled their disputes a good deal after the fashion of the laity of their communion; reference to papal authority was hardly thought of; appeals to Rome were unheard of; and when reminded of their allegiance to the distant spiritual sovereign, the admonition came over them like a dream of the night, to be forgotten in the morning.

The Princess Sophia at Gandersheim.

After the conquest of Saxony, Charlemagne, among other spiritual foundations, had marked out an episcopal district in which Hildesheim was to be the seat of the bishop.[v] Within that district Ludolf, duke of Saxony, had founded a community of nuns

[v] *Lamberti* Schaffnaburgensis Annal. ann. 814, ap. *Pertz*, iv. p. 42; *Eckhard*, Francia Orientalis, ii. p. 395.

at Gandersheim, in the early part of the ninth century. During the whole of that and the following century Gandersheim had been subject to the visitatorial jurisdiction of the bishop of Hildesheim. While Otho III. was still a minor, his sister Sophia had resolved to take the veil in that convent; and had selected Willigis, archbishop of Maintz and primate of Germany, to perform the ceremony of consecration. The bishop of Hildesheim resented the appointment as an unauthorised interference with his rights, and the dispute was settled for the time by both bishops joining in the act of consecration. Some years afterwards, Bernward, the preceptor and familiar friend of Otho, was made bishop of Hildesheim. He found the convent in sad disorder. Sophia had been followed in her retirement by a bevy of damsels of high birth and delicate nurture, who supported the royal nun in her contempt of all discipline. Bernward remonstrated, and was told in reply that Gandersheim was not within his jurisdiction; and at the next visitation of the bishop he found the gates barred against him, and the tenants of the convent in open rebellion.

Controversy about the superiority of Gandersheim.

Some time afterwards a new church was to be consecrated at Gandersheim. The archbishop of Maintz thought this a good opportunity to advance his claim against Bishop Bernward, and, at the solicitation of Sophia, insisted upon performing the ceremony; but he was met by so vigorous a protest on the part of Bernward, that his own suffragans declined to take part in the contest. Bernward thought it expedient to carry his complaint before the pope and the emperor, and was received by both with encouraging cordiality. In his absence, Willigis had convoked a general provincial synod at Gandersheim, with a view to procure an acknowledgment of his jurisdiction, and to compel the tenants of the conventual estate to attorn to him as their spiritual and temporal superior. But in this scheme he appears to have failed through the energetic interference of Eggehard bishop of Schleswig, who had taken up the cudgels[w] on behalf of his absent friend Bern-

[w] Literally so.

ward. When this new outrage was reported to the emperor and the pontiff, a numerous council was assembled in the church of St. Sebastian at Rome; the proceedings of Willigis were pronounced to be schismatic and void, and the convent of Gandersheim, with its villa and adjoining proprietary lands and farms, were definitively adjudged to be within the superiority of the bishop of Hildesheim and his successors for ever.[x]

Synod of Pölden.

Early in the year 1001 Bernward returned to Germany, and was shortly afterwards followed by the cardinal legate Frederick, bringing with him instructions to assemble the prelacy of the kingdom for the publication and execution of the sentence. Accordingly, on the 2d of June, a full synod met at Pölden, a royal villa or palace in the Hartz-wald. The archbishop came with a numerous armed escort, and was apparently followed by a mixed mob, collected for the purposes of intimidation. He and his friends were at no pains to disguise their contempt for the authority of the legate; and for some time, by howling and vociferation, prevented him from reading the papal letters and the instructions he had received from the emperor and the pope. Silence was at length obtained, the letters were read, and scornfully rejected by the primate. But finding the sense of the meeting going against him, he endeavoured to gain by intimidation what he had failed to obtain by clamour. Upon a signal given, the doors were burst open, and a mob of his partisans rushed upon the legate and Bishop Bernward with loud vociferations and threatening gestures. The prelates, however, managed to protect the objects of their wrath from personal violence; and the meeting adjourned to the following day, after due notice to the archbishop to attend in his place and signify his obedience to the decision of the council. Willigis disregarded the summons, and decamped in the night with all his retinue. On the following day his

[x] The ceremony of putting the bishop in possession of the lands and jurisdictions of Gandersheim was performed by the delivery of the staff, or "ferula," the symbol of the pastoral office. *Ducange* thinks the delivery of the ferula vested nothing but a spiritual power—*regiminis et correctionis*: see eund. voc. "ferula."

place was found vacant; and the cardinal proceeded to pronounce upon him sentence of suspension from all clerical function, until he should appear and purge his contempt before the pontiff himself at Rome on the ensuing festival of the Nativity.

The bishops disregard the imperial summons.

But though the violence of their primate was disapproved by the German bishops, they carried their resentment no further. The emperor and the pope expressed their indignation at the treatment the legate had met with, and the disobedience of the archbishop, by a general summons to appear at Rome at the time notified by the cardinal. But to this demand the bishops paid no attention. Believing themselves competent to settle the disputes of their national church in their own way, they took the matter into their own hands. A general convention of the prelacy of Germany was therefore summoned to meet at Frankfort on the Maine in the month of September following. At the appointed time, a full meeting, at which the three archbishops were present, could come to no more satisfactory conclusion than that neither the primate nor the bishop of Hildesheim should exercise any authority within the disputed precinct until the final adjudication of a national synod, to be held at Fritzlar in Saxony on the Feast of Pentecost in the ensuing year (1002), should be made known.

Imperial synod at Todi.

These proceedings could only have proceeded from a deliberate intent to decline the jurisdiction of the pope in a matter peculiarly within the cognisance of the national prelacy, and dependent on circumstances that could only be fully known and appreciated on the spot where they occurred. At all events, Bernward, now fully aware that unless he could support himself upon the authority of the pope and the emperor he had little chance of successful resistance against the power of his lawless adversary, despatched his friend Thangmar to Rome, to lay before the emperor and the pope a full report of the late occurrences in Germany. The synod, summoned for the Christmas of the year 1001, met at Todi in the Roman territory. It was attended

by thirty bishops and a numerous assemblage of distinguished nobles and laity; but not a single member of the Germanic prelacy, except the three bishops of Liège, Augsburg, and Zeitz, then in waiting upon the court, appeared in answer to the imperial summons. After hearing from the mouth of the legate Frederick, then lately raised to the dignity of archbishop of Ravenna, a statement of what had occurred at Pölden, and an elaborate justification of the sentence of suspension there passed by him upon Archbishop Willigis, Thangmar, as spokesman in behalf of Bernward, was called upon by the synod. The advocate then related the proceedings of the meeting at Frankfort, and mentioned the proposed adjournment to Fritzlar in the ensuing spring; and closed his address by the perplexing questions, Which was the canonical tribunal? and who were the proper judges by whom his client's cause ought to be tried?

These natural questions took the council by surprise. Not only was the delinquent archbishop absent, but the whole bench of German bishops had obviously conceived themselves under no greater obligation to attend. Utterly unable to punish so general a contempt, the emperor and the pope thought it most advisable not to notice it at all. It was therefore resolved to adjourn the council until the bishops should arrive. Meanwhile messengers were despatched to hasten their movements; and Thangmar returned with but small comfort to his friend the bishop of Hildesheim. He arrived there on the 13th of January; on the 23d of the same month the Emperor Otho III. sank into the grave, and all further proceedings in the cause of Bernward fell to the ground.[y]

Adjournment of the cause of Bernward.

When the death of Otho III. became known in Germany, the princes and prelates of the empire unanimously raised Henry duke of Franconia to the throne. Bishop Bernward of Hildesheim was mainly instrumental in the election; and in his presence

The cause is suspended.

[y] This account of the dispute between the archbishop of Maintz and the bishop of Hildesheim is abridged from the biography of Bernward by Thangmar, ap. *Pertz*, tom. iv. cc. xii. to xxxvii. pp. 762-775. See also *Hartzheim*, Concil. Germ. tom. iii. pp. 20-24.

and with his consent the new monarch was solemnly crowned and anointed king by the same Willigis, archbishop of Maintz, who but a short time before had at his instance been suspended by a papal legate from all ecclesiastical function. The legantine sentence had been from the first a dead letter; nor can we look for a stronger proof than this of the weakness to which the papal authority had sunk in Germany. The Princess Sophia had in the interim become prioress of the convent of Gandersheim, and, with the same pertinacity as on former occasions, declined the services of the diocesan bishop at her installation. This time King Henry II. interfered, and persuaded Bernward to withdraw his opposition for the occasion; and the self-willed princess was installed according to her desire. After this compliance, Willigis and Sophia were finally prevailed upon to withdraw from their unfounded pretension, and Bernward entered upon the enjoyment of his diocesan rights over the disputed establishment.[z]

Settled by Henry II.

[z] *Thangmar*, ubi sup.

CHAPTER V.

PAPAL INFLUENCE IN FRANCE—TENTH CENTURY.

Summary of French history in the tenth century—Charles the Simple—Rollo—Rodolph—Louis the Stranger—Hugo the Great—The kingdom of Lorraine—Louis V.—Extinction of the Carolingians—Hugo Capet king—Fulk archbishop of Rheims—State of France and Germany—Synod of Tribur—Intercourse between the French church and the see of Rome—Character of the intercourse, &c.—Lay encroachment—Hervey, or Hereveus, archbishop of Rheims—Pious foundations—Seulph archbishop of Rheims—Hugo the boy-archbishop—His expulsion; election of Artold—Restoration of Hugo—Second expulsion of Hugo; Artold restored—Synods of Verdun and Mousson against Archbishop Hugo—Synod of Ingelheim—Proceedings of the council—Confirmation of Artold—The council condemns Hugo the Great—Papal influence in this transaction—The Gallic churches in the tenth century—Influence of Otho the Great in France—Odalrich archbishop of Rheims—Adalberon archbishop—Hugo Capet crowned king of France—Arnulph archbishop—Gerbert.

Summary of French history in the tenth century.

LOOKING back upon the history of France during the tenth century, the following particulars appear to be requisite to enable us to form a judgment as to the degree of influence exercised by the papacy within the geographical limits of the modern kingdom of that name.[a]

Charles the Simple.

At the death of Charles the Fat, in the year 888, a single legitimate descendant of Charlemagne survived in the person of Charles surnamed the Simple; but the usurpation of Odo, or Eudes, earl of Paris, the acknowledged vassal of the Emperor Arnulph, delayed the accession of Charles till the year 893. Under many vicissitudes of fortune, this prince occupied the

[a] It is difficult to say what were the limits of France in the tenth century. Several provinces and kingdoms, sometimes in conjunction, at others under independent sovereigns and with distinct names, formed the aggregate territory included within the modern kingdom or empire of France. These were, Neustria, or France-Proper, Aquitaine, Normandy, Lorraine, Cisjurane Burgundy, Provence, and the county of Barcelona, or Septimania.

throne till the year 923. Falling afterwards into the hands of his rebellious vassals, he died, their prisoner or their puppet, in the year 929, after a turbulent reign of thirty-six years. Within this period Rollo the Norman had finally subdued and settled the great provinces of Normandy and Brittany; and towards the close of it the barons of France had elevated Rodolph, king of Cisjurane Burgundy, to the throne. Ogiva, the wife of Charles the Simple, and sister of Athelstan king of England, had taken refuge in that country against the usurpers of her husband's throne; taking with her her son Louis, then about nine years of age. Hugo the Great, earl of Paris, restored the young prince to the kingdom, that he might reign in his name; but after a time Louis (surnamed the Stranger[b]) managed to throw off the yoke of his insolent protector, and the residue of his reign was expended in civil feuds and futile attempts to disturb the Normans in possession of the territories ceded to them by Charles the Simple. In the year 954, Louis was killed by a fall from his horse; and was succeeded by Lothar, his son by Gerberga, sister of the Emperor Otho the Great. But in his hands the crown was a nominal tenure only; almost every prerogative of royalty was exercised by Hugo earl of Paris. That great baron had possessed himself in fief of more than half the Neustrian division of the kingdom; and transmitted to his son Hugo, surnamed Capet, an extent of territorial power equivalent to a kingdom, burdened only with a nominal allegiance to a king divested of all executive or administrative authority. After the example of the great earl of Paris, every duke and count and baron of the realm regarded himself as sovereign prince within the limits of his peculiar domain. They waged war among one another, or against their king, as ambition, interest, or caprice prompted them; and converted the kingdom into an arena of factions, plunderings, and civil bloodshed.

Rollo.

Rodolph.

Louis the Stranger.

Lothar III. king.

Hugo the Great.

The kingdom or great principality of Lorraine[c] had

[b] In French "*d'outre-mer*," from his having been long domiciled and educated beyond seas.

[c] Lorraine in that age comprehended

for ages past been the subject of dispute between the rival descendants of Charlemagne. King Lothar of France made a feeble attempt to assert the rights of his branch of the family to that magnificent appendage of the Carolingian empire. But his brother Charles, who had, contrary to law and custom, been excluded from any share in the paternal inheritance, resorted to the protection of the Emperor Otho II., and accepted from him investiture of Lorraine as a fief of the empire. Lothar failed in the attempt to unseat him, and died in the year 986, leaving an only son named Louis, who was in turn permitted to mount the throne. But this prince survived his father scarcely a twelvemonth; and with him perished the last king of France of the line of Charlemagne.

The kingdom of Lorraine.

Louis V.

Charles duke of Lorraine now united in his single person all the right and title of the Carolingian race. But loyalty to that race was extinct: Charles had, by accepting his dominions as the fief of a foreign monarch, sunk to the rank of a vassal; he had bartered his noble birthright for a mess of pottage; and no efforts of gallantry or of statecraft could win back a single adherent to his standard. He was and remained a dependent, and an alien from the affections of the Neustrian barons. Meanwhile Capet, son of Hugo the Great, had successfully canvassed the estates of the realm; and by judicious concessions to some, and more especially by restoring to the great ecclesiastical foundations much of that domain which his father had added to his already overgrown possessions, he won the hearts and votes of his peers, and was crowned king of France at Rheims, on the 3d of July 987. In the following year his son Robert was associated with him upon the throne. By these public acts the doom of the Carolingians was finally sealed, and the sceptre of France permanently transferred to a new dynasty, destined to retain it for a period of eight centuries without a break or a single disputed succession.

Extinction of the Carolingians.

Hugo Capet king.

not only the modern provinces of Lorraine, but the greater portion of the present kingdoms of Belgium and the Netherlands.

This sketch of the political history of France comprehends rather more than a century of time. The celebrated Archbishop Hincmar of Rheims had died in the year 882. His successor Fulk, or Fulco, was a friend of Pope Marinus; and wrought, in conjunction with Rome, to meet the evil day upon which they had fallen. He did his best to reform the discipline of his church and province; he supported the legitimate king, Charles the Simple, against the pretender Odo, or Eudes, the vassal of the Emperor Arnulph; he kept up a perpetual protest against the numberless encroachments of the lay barons upon the estates of the bishoprics and ecclesiastical foundations, and reminded the clergy of France and Germany of their duties by frequent synodal meetings. Between the years 882 and 900 he assembled the bishops of his province first at Chalons-sur-Saone; in the following year he called a general meeting of the French and Germanic prelacy at Cologne; three years afterwards (A.D. 889) he met the united churches, first at Metz and subsequently at Maintz. The professed objects of these meetings were the defence of the churches against the encroachments of the lay barons, and the protection of the persons of the clergy from the frequent outrages to which they were exposed by the lawless habits of the age.[d] His efforts were to some extent aided by a sense of the intolerable evils resulting from the public calamities under which France and Germany were suffering almost in an equal degree. These evils had produced a general contempt of law, and a dissoluteness of morals, which threatened to drown out every vestige of civilisation. The never-ending incursions of the Normans from the West, and the Hungarians and Sclavi from the East, had broken up many monasteries and religious houses, and cast loose the inmates to gain a livelihood as they best might. The irregular lives of these outcasts dishonoured the church, and gave colour to the violent measures resorted to, perhaps as often for the attainment of private

Fulk archbishop of Rheims.

State of France and Germany.

[d] *Regin.* Chron. ann. 889, 890, ap. *Pertz*, i. pp. 601, 602; *Fleury*, tom. xi. pp. 559-590 passim.

ends as for the punishment of crime. Impressed with the necessity of providing some remedy for this state of social suffering, the Emperor Arnulph, in the year 895, convoked a general council of the Germanic prelates at Tribur, an imperial villa not far from Maintz. Twenty-two bishops, many abbots and friars, and a great concourse of nobility, gentry, and people, attended the meeting.[e] Fifty-eight canons were enacted—for the suppression and punishment of contempt and disregard of spiritual censures committed by the laity; for the reformation of the secular habits contracted by vagabond priests, monks, and nuns; and the correction of the worst social corruptions—such as illicit marriages, adulteries, homicides, and other acts of immorality and violence. All these offences were, by the joint authority of the emperor and the council, made the subjects of civil penalties, in addition to the spiritual censures incurred; the sentences of the bishops' courts were to be enforced by the imperial tribunals, and every resistance to the execution of such decrees was to be treated as treason against the state.[f]

Synod of Tribur.

The intercourse between the French clergy and the papal court continued uninterrupted during the pontificates of Stephen V. and Formosus.[g] The former entertained an appeal between two rival candidates for the see of Langres; and the latter presided by his legates at a council held at Vienne against lay usurpation, personal ill-usage of churchmen, frauds on pious donations and bequests, irregular lay presentations to ecclesiastical benefices, arbitrary inductions without license from the bishop, and the levy of oppressive dues upon pilgrims and migratory clergy.[h]

Intercourse between the French church and the see of Rome.

From all we gather respecting the relations subsisting between the church of Rome and the French hierarchy towards the close of the ninth century, nothing appears to mark any great de-

Character of the intercourse, &c.

[e] The accounts of the numbers attending vary. One authority says that 96 bishops and abbots, and many approved clergy, were present; another, that the synod consisted of 76 bishops. But certainly the signatures to the acts only amounted to 22. *Hartzheim*, Concil. Germ. vol. ii. pp. 388-408.

[f] See the canons, ap. *Hartzheim*, ubi sup.

[g] A.D. 884-896.

[h] *Fleury*, tom. xi. pp. 567, 570, 588.

gree of confidence or cordiality of intercourse. The weakness of both parties, resulting from the disorganised state of worldly affairs, left them little leisure for any thing but their defence against the lay enemy at their gates. The French clergy adhered stanchly to the cause of Charles the Simple against his rival Odo of Paris; and in the struggle requested the countenance of Pope Formosus, who was thus enabled to take a prominent part in the accommodation brought to bear upon that distressing disturbance. But, in spite of his sense of the necessity of all the support he could command, Archbishop Fulk was in no respect inclined to relax from that independent spirit which had distinguished the administration of his great predecessor. The ruffian-pope Stephen VI.[i] rashly convoked a general council, to be held before himself at Rome, for the purpose at this time uppermost in the minds of the clergy. Fulk replied in respectful terms to the papal summons, that the miseries of the times rendered his presence at home indispensable, and that he could not just then desert his own flock for any other duty. The pope repeated his commands in harsh and imperious terms. Fulk maintained his equanimity; and answered the papal letters by a temperate remonstrance against the undeserved censures of the holy see.[j]

Lay encroachment.

The excuses of the archbishop were, no doubt, well founded. If Fulk had not united in his own person the qualities of a warrior, a statesman, and a vigilant pastor, his position in the church must have been irretrievably compromised. Encroachment upon the domains of the churches had been carried to an extent unheard of in any previous period of Frankish history. Churches, abbeys, bishoprics, were ruthlessly plundered, their estates sequestrated, and the occupants turned into the streets. Baldwin earl of Flanders was among the foremost of the delinquents. Archbishop Fulk took the

[i] See ch. ii. p. 446 of this Book.

[j] *Frodoardi* Rhem. Hist. lib. iv. c. iv., ap. *D. Bouq.* tom. viii. p. 157; and see *Baron.* ann. 897, §§ 9-11. The cardinal sees in this respectful document proof of the profound submission of the primate to the see of Peter, though occupied by a very bad pope. That "profound submission" would have been made clearer to our minds, if it had not been accompanied with a flat refusal to do as he was bid.

field against this formidable adversary, and expelled him from the city of Arras. Yet, with all his courage and resolution, he was driven to a compromise with the evils he could not effectually grapple with.[k] At length, however, the gallant primate fell a victim to duty. Baldwin and his vassals, irritated by his resolute resistance to their usurpations, waylaid and murdered him on a journey to the court of King Charles the Simple.[l]

Hervey, or Hereveus, archbishop of Rheims.

This uncomfortable state of conflict between the French hierarchy and the laity of their churches continued throughout the episcopate of Hervey, or Hereveus, the successor of Fulk. Several provincial synods were assembled to combine resistance to secular intrusion, and to remedy the worst abuses and corruptions arising out of the anarchical state of society.[m] At length, however, the conversion of the predatory Normans, and their final settlement on the soil of France,[n] relieved the country from a scourge which for a century past had banished prosperity from the land. The churches showed increased signs of life; and successful efforts were made to restore the broken discipline of the monastic bodies. What had been withdrawn from the churches in one part of the kingdom, was restored—though in a different form—in another. Thus in the year 910, William duke of Aquitaine founded and endowed the celebrated abbey of Cluny, and by his statute of institution emancipated the monks from all secular or episcopal visitation and control, and placed the foundation under the exclusive superintendence of the holy see.[o] Not long afterwards other monastic bodies were established upon the same plan of independent action; and these now zealously worked together with the brother-

Pious foundations.

[k] The abbey of St. Medardus at Soissons had fallen into lay hands. The archbishop condescended to an exchange with the lawless possessor for that of St. Vedastus at Arras. *Frodoardi* Hist. lib. iv. c. x. l. m. c.

[l] *Ibid.* ubi sup.

[m] Particularly a synod held at Trosle, near Soissons, in 909. *Frodoardi* Rem. Hist. ubi sup, p. 163; *Baron.* ann. 909, §§ 1-3.

[n] By the cession of the maritime portion of Neustrian France, since called Normandy, to Rollo, duke or chief of the Normans, by Charles the Simple, A.D. 911.

[o] "In such wise," says the charter, "that from this day forward the prior and monks shall be subject neither to us (the founder) nor our heirs and successors, nor to the king, nor to any earthly power." *Fleury*, xi. pp. 653-656.

hood of Cluny to heal the wounds which the manifold crimes and disorders of the times had inflicted upon the church and people of France. Archbishop Hervey was involved in the civil broils of the turbulent reign of Charles the Simple, and had to sustain his title against his own insurgent vassals, and afterwards against the pretensions of Rodolph of Burgundy. In the year 921 he was succeeded by Seulph archdeacon of Rheims. The new primate attached himself to the party of the usurper; he fortified the city, and successfully maintained the rights of his church against his predatory neighbours. Seulph carefully kept open his communications with Rome, and condescended to accept his pallium from John X., the paramour of the notorious Theodora.

Seulph archbishop of Rheims.

But the barons of France still evinced wonderful aptitude in devising expedients for stripping the churches and monasteries. At the death of Seulph, in the year 925, the turbulent Herbert earl of Vermandois got possession of the city of Rheims, and intimidated or bribed the clergy to elect his son Hugo, an infant of five years of age, to the primacy. Charles the Simple was then the prisoner of Rodolph, who was at that moment upon good terms with Earl Herbert; and those princes made a joint application to Pope John X. to confirm the appointment. No objection was taken at Rome; the spiritual powers were delegated to Abbo bishop of Soissons, the agent of Herbert; and the latter entered upon the gainful administration of the temporalities of the see during the nonage of the boy-primate. The first step of the lay tyrant was to expel from their places in the cathedral chapter all who had opposed the election of his son; and many a bloody affray between the soldiers of the earl and the clergy inhabiting the precincts of the church marked the earlier period of his administration. But after the death of Charles the Simple, in the year 929, the friendship between Earl Herbert and the usurper Rodolph cooled apace. The latter, by a rapid movement, put himself into possession of the city of Rheims; ejected the garrison of Herbert; and annulled the election of the boy Hugo.

Hugo the boy-archbishop.

His expulsion.

The choice of the redintegrated chapter fell upon Artold, a monk of the great monastery of St. Remigius. The new primate went through the ceremony of soliciting the pallium from the hand of Pope John XI., the creature of the great consul Alberic. At Rome no notice was taken of the registered delivery of that important symbol to the infant Hugo; and Artold's commissioner brought back the metropolitan ornament to the primate-elect, as in the case of an ordinary vacancy.[p]

Election of Artold.

Artold retained the see for a term of nine years; and was once more driven out by the combined forces of Earl Herbert, William (Longsword) duke of Normandy, and Hugo (surnamed the Great) earl of Paris. Hugo, the son of Herbert, who had by this time attained his twentieth year, was again reinstated as primate by a numerous synod of Neustrian bishops in the interests of the confederates held at Soissons. The ceremony of sending to Rome for the pallium was again thought necessary;[q] Pope Stephen VIII. granted the request without inquiry, and the archiepiscopal vestment was sent as a matter of course.[r] The pope may have thought this a favourable opportunity to let the people of France know that there was still a pontiff in the chair of Peter. But the voice of Rome had sunk to a hoarse and hardly audible whisper. A legate was sent with letters addressed to the nobles and people of France, commanding them, on pain of excommunication, to acknowledge and obey Charles (*d'Outremer*), son of Charles the Simple, as their king. What effect these letters, or the menace they conveyed, produced upon the obdurate minds of the French princes, is unknown. But circumstances favoured the result contemplated by the pope. Herbert of Vermandois, the chief agitator, died about this time. His sons became reconciled to the king, and Hugo was maintained in the see of Rheims. In 944, however, the unfortunate Louis IV. became the prisoner of the Normans, and was transferred by them to the custody of Hugo the Great,

Restoration of Hugo.

[p] *Frodoard.* Hist. Rem., *D. Bouq.* viii. pp. 164-166.

[q] Or perhaps it was forgotten that it had ever been applied for.

[r] The most superficial inquiry must have exposed the gross irregularity of these proceedings: *Frodoard.* Hist. l.c. pp. 167, 168; see also *Fleury*, xii. p. 34.

duke or earl of Paris and Orleans. Two years afterwards the Emperor Otho I. marched to the rescue of his son-in-law; Louis was once more liberated, the city of Rheims fell into his hands, and Archbishop Hugo was a second time compelled to yield the see to his rival Artold.

Second expulsion of Hugo; Artold restored.

For a period of nearly twenty years the diocese of Rheims had been the scene of a dreary party warfare between the supporters and opponents of the two pretenders. After the restoration of Artold, an attempt was made to induce Archbishop Hugo to submit to the decision of the combined monarchs. Two synods were convoked—the first at Verdun for Lorraine, the second at Mousson for the province of Treves; Hugo refused to attend either, but sent mandatory letters, obtained from Pope Agapetus II., directing the bishops of France to reinstate him in the see of Rheims. Upon the receipt of these letters, the fathers of Mousson resolved that they could be of no avail against the authentic acts of the national church; they decreed that Artold was the lawful primate, and that Hugo should be excluded from communion until he should purge himself of the crime of usurpation before a future general synod of the Gallic churches. In this proceeding the prelates appear to have followed the customary forms of the Frankish churches with great nicety.[s] Before they separated they drew up and despatched a report of their resolutions, with copies of all the proceedings, to Pope Agapetus II. (A.D. 948.) The pontiff adopted the proposal of a general synod for the settlement of this vexatious schism in the Gallic church, and wrote a requisition to Otho the Great to convoke the meeting when and where it might be most convenient. The allies named the 7th of the month of June in the following year as the time, and the imperial villa of Ingelheim[t] as the place of meeting. Pope Agapetus II. nominated Marinus bishop of Polimarti as legate and

Synods of Verdun and Mousson against Archbishop Hugo.

Synod of Ingelheim.

[s] The authority principally relied upon is the nineteenth resolution of the Carthaginian council, "De accusato et accusatore." See *Van Espen*, Can. Carthag. tom. iii. p. 295: conf. Conc. *Hard.* vi. pp. 603, 604.

[t] Now a village on the road between Coblentz and Maintz.

president of the council. On the appointed day, thirty-one archbishops and bishops—with few exceptions, all the subjects of Otho the Great—took their seats. Marinus presided, and with him sat the kings Otho and Louis.

Proceedings of the council.

The session was opened by King Louis IV., with a narrative of the multiplied treasons of his rebellious vassal Hugo count (or duke) of Paris. Artold of Rheims next produced and read a written complaint of the misdeeds of Herbert of Vermandois, and the usurpation of his son Hugo. He dwelt upon his personal sufferings in the cause of his church and his sovereign; his successive expulsions and restorations; his appeals to the pope, and the ultimate confirmation of his title to the primacy by three successive synods of his own church, and those of the neighbouring provinces of Lorraine and Germany. The culprit Hugo had declined to appear in person, but deputed to his emissary Siegebold the task of justifying his conduct and substantiating his claim. Upon his introduction to the meeting, he produced documents of a very perplexing character; in the first place, he read the letters of confirmation granted to his principal by Popes John XI. and Stephen VIII., which he himself had received from the hands of the pontiffs themselves. He then proved that these documents had been obtained at the solicitations of almost all the prelates of the Rhemensian province, and exhibited their autographs to a petition praying for the confirmation of Hugo and the expulsion of Artold. The bishops implicated devoutly denied their signatures; Siegebold was convicted of imposture and impiety, degraded from the priesthood, and committed to custody. The fathers then unanimously pro-

Confirmation of Artold.

nounced Artold to be the legitimate primate of Rheims; Hugo was declared a usurper; and both he and those who had ordained him, together with all who had accepted orders from him, were put out of communion unless they should present themselves at Treves on the 13th of the next following month of September, and make due satisfaction for their multiplied offences.[u]

[u] *Frodoard.* Hist. Rhem. c. xxxv., ap. *D. Bouq.* viii. pp. 173, 174; Ejusd. Chron.

But the fathers of Ingelheim overstepped the ordinary competency of an ecclesiastical tribunal by including Hugo of Paris in the same sentence with his son and his clerical accomplices.[v] The offences of Hugo, as charged, were those of encroachment upon the royal estate and prerogative, consequently beyond the competency of the ecclesiastical judicature. The fathers, therefore, found themselves driven rather far afield to find a precedent for a proceeding of so unusual a character. But the archives of the Spanish church supplied the deficiency without resorting to the Isidorian forgeries, and the sixty-fifth canon of the fifth council of Toledo (A.D. 633) afforded them a satisfactory solution of the difficulty.[w] The fathers of Ingelheim had afforded a *locus pœnitentiæ* to the French rebels; and, it is probable, would not have proceeded another step against the powerful delinquents if they had not been urged onward by the emperor and his client, in the hope of putting an end to a state of anarchy scarcely less displeasing to Otho than to his distressed brother-in-law. At their instance, a meeting of the bishops of France and Lorraine was held at Treves at the appointed time; and there Hugo earl of Paris and his accomplices in rebellion were formally excommunicated, and continued in condemnation until they should make submission and satisfaction to their king, or *proceed to Rome and prosecute an effectual appeal before the pope himself against the judgment of the councils.*[x]

The council condemns Hugo the Great.

The legate Marinus appears to have taken no active part in the proceedings, unless we impute the latter clause of the sentence against Hugo and his ecclesiastical accomplices to his suggestion. That clause, however, could for the moment have

Papal influence in this transaction.

ann. 948, ibid. pp. 202, 203; *Hartzh.* Con. Germ. ii. pp. 609-618.

[v] See can. i., ap. *Hartzh.* loc. cit. p. 612.

[w] That council confirmed the title of King Sizinand, and transferred the right of electing the sovereign from the people at large to the bishops and the great nobility. Conf., on the political powers of the Spanish synods, Book IV. c. ii. pp. 274, 275 of this work. Perhaps, however, an authority for quashing the "unjust judgment" of the French princes against their sovereign might have been gathered from the Ep. of Marcellinus "ad Orientales," and that of Marcellus "ad Maxentium tyrannum," among the Isidorian collection. See Book VI. c. vii. pp. 191, 192 note (s).

[x] *Frod.* Chron. ubi sup. pp. 204, 205.

no practical effect. A dependent pontiff like the client of Alberic could have no weight in the settlement of disputes between the princes of the world. Yet, in the actual position of the papacy, the presidency yielded to the holy see by the most important sovereigns and the most numerous churches of her communion was more than an empty compliment to bygone greatness. It was a testimony to the living power which still dwelt in the name of Rome—the little fire smouldering beneath the present weight of superabundant fuel, waiting only for the breeze that should kindle it into a consuming flame. The presence of the legate Marinus associated the pope with an act of state of that hybrid character which so clearly denotes the confused and inaccurate views entertained by all parties as to the limits between the civil and ecclesiastical judicatures. An appeal to civil or constitutional law on behalf of Louis and his violated rights, was contemplated by no party; no one thought of any other mode of maintaining his position in the world than by making the best use of opportunity, studying the expediency of the moment, and relying for success upon the judicious application of brute force. But in the absence of law, custom and authority still held their sway. The maxims of church-government inculcated by Hincmar of Rheims in the preceding century had not been forgotten in the churches over which he had presided. They still held fast by their connection with Rome, in the very form in which that great prelate had presented it to them;[y] and, though driven by the stress of the times to rely rather upon themselves than upon any external support, they adhered to those conservative forms which often afford rallying-points under outward pressure, and contribute to prevent that waste of power so injurious to effective defence.

The Gallic churches in the tenth century.

Hugo of Paris paid no attention to the censures denounced against him; nor did they draw away from him a single adherent. The party of Herbert of Vermandois and his son Hugo, the rival primate of Rheims, were equally obdurate;

[y] See Book VII. c. iii. p. 281.

and Louis IV. derived little benefit from any support but that of his powerful relative Otho of Germany. The church had adhered with greater fidelity than might have been expected to the fallen fortunes of the later Carolingians. But, weakened by spoliation and deprived of the state-protection, the Gallic prelacy had been often compelled to yield to the violence of secular tyranny, and to resort to similar expedients to maintain a defensible position. In this century all controversy, whether religious or secular, assumed the character of a civil war; both were carried on by the same means, and under the influence of the like passions. And to this fashion the churches of France had in most respects conformed. They had neither lost courage, nor scrupled at any measures that promised to repair their losses or to restore their political credit. The councils held in the course of the tenth, were not less frequent, or less numerously attended, than those held in the more tranquil ninth century. The internal life of the system was stimulated by the necessity of perpetual and active exertion. As long as this spirit sustained itself, we cannot talk of revolution or decay; the sacerdotal powers were not displaced, nor do we think that the hold which they had taken of the national conscience was materially impaired by their temporary depression. Within this identical period monasteries and religious houses were multiplying in France; efforts were made to restore monastic discipline; new churches were erected; and whenever there was a pause, local or general, of feudal warfare, the habitual prepossessions of princes and people reverted to that religious practice and to those visible sources from which they had been taught to expect the pardon of their manifold sins, and the assurance of their eternal welfare.[z]

[z] See the passage in the Chron. of *Frodoard*. ann. 959, ubi sup. p. 211. The view taken by Sismondi (Hist. de Fr. tom. iii. pp. 441, 442) of the ecclesiastical history of France appears to us partial and inaccurate. We see no traces of a "revolution" in the state of the church from the ninth to the tenth century. A revolution is not a mere change of the persons who govern, but of the principles of the government itself. Thus the usurpation of Cromwell was a revolution, not so the expulsion of James II. and the substitution of William III. The history of France from 1798 to 1804 was a series of revolutions; so also from 1814 to 1852. In all these instances there was a change in the principle of the government. But in the history of the church of France in the

Influence of Otho the Great in France.

But this state of depression was approaching its term. And here again we trace the hand of Otho the Great. In the year 954 Louis, surnamed the Stranger, died by an accidental fall from his horse. His only son Lothar, then a child of barely thirteen years of age, was permitted to occupy a nominal throne under the protection of his mother Gerberga, and of his uncles, Otho the Great and Bruno archbishop of Cologne and duke of Lower or Germanic Lorraine. The puissant count, or duke, of Paris, Hugo, surnamed the Great, died in the year 956; and was succeeded in his extensive domains by his son Hugo, surnamed Capet, though then a boy of barely ten years of age. During these minorities Bruno exercised the principal influence in Neustrian France, and at the death of the primate Artold (A.D. 961) opposed the pretensions to the primacy advanced by the sons of Herbert of Vermandois on behalf of their brother Hugo. A council assembled at Melun, under the auspices of Bruno, resolved that, Hugo having been duly put out of communion by the great council of Treves, in the year 948, he could only be absolved by a synod of equal authority, nor even then until the adjudication of the pontiff of Rome upon the claim could be obtained.[a] On the 9th of February in the following year (962), Otho the Great had assumed the imperial crown at Rome; and soon afterwards Pope John XII. decided that, the censures passed upon Hugo by the great council of Treves having been confirmed by the holy see in council, his pretensions to the primacy were finally disposed of. With this reply in his hand, Archbishop Bruno caused Odalrich, a nobleman of high rank and great family interest, to be consecrated to the see of Rheims by the bishops of the province.[b]

The martial and enterprising character of the new

tenth century there was no departure from principle, but only from the prior mode of working an existing establishment. We do not think, with this distinguished historian, that "revolutions in churches are no less frequent than in popular states and other schemes of government, in which the opinion of antiquity goes for nothing." We have already expressed our conviction that principles of government are of a far more enduring character in religious than in any political institutions.

[a] *Frodoard.* Chron. ann. 962, ubi sup. p. 212.

[b] *Id.* ibid. ubi sup. p. 213.

primate was admirably suited to the emergencies of the times. He fought the battles of his see with success; he compelled, by force of arms, Theobald (surnamed the Trickster) earl of Chartres and Blois to surrender lands belonging to the patrimony of St. Remigius which he had purloined; and soon afterwards, by like means, prevailed upon the coheirs of Herbert of Vermandois to restore the villa and estate of Epernay on the Marne, after the fashion of the times converted by them to their own use.[c] But Odalrich sat for the short period of seven years only. His friend, the noble-hearted Bruno of Cologne, had preceded him to the grave in the year 969; and he again was followed, in the year 973, by his brother, the Emperor Otho the Great. Thus the three bright stars which had shed a ray of light amid the religious and political gloom which overshadowed the world, were almost simultaneously withdrawn; yet not before they had opened a glimpse of better things to come. Adalberon, a son of Earl Godfrey of Ardennes, was freely chosen by the chapter and clergy of the metropolitan city; and his pontificate is marked by his patronage of Gerbert, a person destined to play an important part in the religious and secular affairs of the world.

Odalrich archbishop of Rheims.

Adalberon archbishop.

During the remainder of the reign of Lothar, the ecclesiastical history of France is almost a blank. The clergy were gradually recovering the ground they had lost by the encroachments and spoliations of the great vassals.[d] In the year 986 that prince passed from the scene. His son Louis V. was allowed to occupy for a moment a nominal throne, when he too followed his father to the tomb; and Hugo Capet was proclaimed by the Neustrian vassals, and crowned king of France by Adalberon archbishop of Rheims, on the 3d of July 987. The fruitless struggle of the uncle of Louis, Charles of Lorraine, to expel the intruder, possesses some interest for our narrative. Pending the conflict, Adalberon had been succeeded by Arnulph, a natu-

Hugo Capet crowned king of France.

[c] *Frodoard.* ubi sup. pp. 213, 214.

[d] See the Chronicle of *Siegebert* of Gamblours, ann. 973, 976, 977, ap. *D. Bouq.* viii. pp. 315 and passim.

Arnulph archbishop. ral son of King Lothar, under the patronage of King Hugo. The new primate found in the service of the church of Rheims Gerbert, a monk of the convent of Aurillac, in the province of Auvergne. He was a man of obscure birth, but possessed of high ability, and an amount of acquired knowledge which, in such an age, is useful or dangerous according to the skill or cunning displayed by the possessor in its employment. The career of this person is connected with circumstances of more than ordinary importance to the history of the papacy. We therefore devote the following chapter of this work to the somewhat complicated and ambiguous transactions which ultimately led to the elevation of Gerbert to the pontificate by the name of Sylvester II.

Gerbert.

CHAPTER VI.

JEOPARDY AND REVIVAL OF DECRETALISM.

Charles of Lorraine proclaimed king—Archbishop Arnulph and Gerbert—Colourable abduction of Arnulph—Gerbert renounces his service—Intrigue of Archbishop Arnulph — Applications to Pope John XV. — Synod of St. Basolus against Arnulph—Impeachment — Objection to the impeachment—Objection overruled — The prosecution —The defence—Objection to the jurisdiction—Reply to the objection—Special justification of the impeachment—Speech of the bishop of Orleans — His protest against the jurisdiction of Rome — Bad popes the precursors of Antichrist — He denies the plenary jurisdiction of Rome — The pontiff is bound by the canon of Sardica — The crimes of the clergy not protected against civil prosecution—He repudiates the decretal of Pope Damasus—His lamentation over the fall of Rome—Arnulph confronted with his accusers—He is found guilty—His deposition—Gerbert elected archbishop of Rheims — Conflict of civil and ecclesiastical law — Synopsis of the justification of the synodal proceedings against Arnulph — Jeopardy of the decretal scheme at this juncture—John XV. quashes the proceedings of St. Basolus—Revival of decretalism—Gerbert deserted by King Robert of France —Arnulph reinstated in the see of Rheims—Gerbert archbishop of Ravenna — Gregory V. excommunicates King Robert of France — Gerbert pope, as Sylvester II.

CHARLES duke of Lorraine, brother of King Lothar, and, after his death, the only remaining legitimate male descendant of the house of Charlemagne, had, as already intimated, accepted the duchy of Lorraine from the Emperor Otho the Great, as a fief of the kingdom of Germany. Though rejected by the barons of Neustrian France, he had been supported by the emperor, and had found useful allies in the great earls Herbert III. of Vermandois and Arnulph II. of Flanders. The powerful princes of Aquitaine and Thoulouse bore with ill-humour the elevation of their former peer, the count of Paris and Orleans, to the rank of suzerain of France, and continued to profess allegiance to the heir of Charlemagne; yet without a thought of sacrificing a single personal object or interest to the duties which that profession entailed upon them. Her-

Charles of Lorraine proclaimed king.

bert of Vermandois, however, bestirred himself with praiseworthy zeal in the cause; and by his exertions Charles of Lorraine was put into possession of the important city of Laon, and there proclaimed king of France.[a]

Archbishop Arnulph and Gerbert.

Meanwhile Arnulph had been raised to the primacy by Hugo Capet, under stipulation of personal allegiance, and an express engagement to abdicate the see of Rheims if he should at any time swerve from his fidelity. Gerbert had served Archbishop Adalberon with ability and success; Arnulph therefore retained him in his service as his chancellor or secretary, and Gerbert employed his powerful talents as frequently in the service of King Hugo himself as of his immediate patron.[b] But while exerting himself on behalf of his employers, he had not, it seems, neglected his own interests. He had attached to himself a strong party in the church of Rheims; and, if we may believe his own assertion, had so far won upon Archbishop Adalberon, as to have been recommended by him to his clergy as his successor. King Hugo and his consort Adelaide reposed unbounded confidence in his integrity, and intrusted their son Robert to his tuition.[c] Yet, notwithstanding the hopes he may have been justified in entertaining, he did not appear as a candidate for the primacy when the vacancy occurred; and, in the course of the events which took place in the church of Rheims not long after the accession of Arnulph, it would have been difficult for a person in his position to preserve a character for consistency or integrity between his hostile patrons.

Colourable abduction of Arnulph.

Archbishop Arnulph was a reputed scion of the Carolingian stock, and natural brother of the last claimant of that family. Though raised to the primacy by King Hugo, he could not escape the suspicions which his close kindred to the pretender, Charles of Lorraine, naturally cast upon him. These suspicions were soon confirmed by events which involved

[a] In the month of May A.D. 989.

[b] See the collection of his letters, ap. *D. Bouq.* tom. x. pp. 387-428.

[c] *Hildeg.* Vit. Rodberti Pii, § 2, ap. *D. Bouq.* x. p. 99. *William of Malmesbury* (ibid. p. 244) numbers both Robert son of Hugo Capet, and Otho III. son of the Emperor Otho II., among the pupils of Gerbert.

the archbishop in the charge of treason. After putting the pretender in possession of the city of Laon, Herbert of Vermandois suddenly surprised the city of Rheims: the gates were opened to him,—how, or by whose order, did not at the moment appear; the houses were pillaged, churches robbed and desecrated, and the archbishop himself carried off ostensibly as a prisoner to Laon. Evidence, however, subsequently came to light, that Arnulph had all along favoured the claims of his brother, and that Gerbert had lent his pen to promote the views of his patron.[d] But it might not be so easy to bring home to the secretary such a knowledge of the treasonable design of the archbishop as would involve him as an accomplice in the guilt of his patron. Gerbert, in fact, did not accompany the archbishop in his imprisonment or flight; and, after the pretended abduction, hastened to make his peace with King Hugo, in order, as he alleged, to assist him in putting an end to the evils and sufferings which the criminal connivance of the archbishop had brought upon his church and fellow-citizens. Regarding his late patron as a principal in the late disturbances, Gerbert formally surrendered his offices and emoluments into his hands, and renounced his service.[e]

Gerbert renounces his service.

The indignant prelates of the province—probably at the instance of King Hugo—met at Senlis, and suspended the partisans of Charles of Lorraine, —more especially a presbyter named Adalger, who was charged with having opened the gates of Rheims to the enemy; and they notified the proceeding to the archbishop, whom they affected for the present to treat as a prisoner in the hands of an enemy.[f] Arnulph himself strove to prop up that pretence by publishing sentence of excommunication against the violators of the

Intrigue of Archbishop Arnulph.

[d] Epp. *Gerberti*, ap. *D. Bouq.* x. p. 402, ep. no. 54. Upon a mature consideration of this collection, it will, we think, appear that Gerbert lent his pen to his several employers with the same sort of zeal that a modern secretary would evince to carry out the instructions of his principal. His contemporaries, however, charge him as a *particeps criminis* in the intrigues of his superiors. *Chron. Auriliac.* ubi sup. p. 402 note (*a*).

[e] Epp. *Gerb.* ep. no. 73, ap. *D. Bouq.* x. p. 408.

[f] *Conc. S. Basoli Rhem.*, ap. *D. Bouq.* x. p. 519.

church; but the very general terms used, and the avoidance of a single name among the delinquents,—all of whom were well known,—threw strong suspicion upon his sincerity; and his continued communications with Adalger and the other conspirators labouring under the censures of the synod of Senlis led to the unavoidable conclusion, that the alleged captivity was the result of a preconcerted scheme to throw dust in the eyes of the king, and to promote the views of the pretender. Meanwhile the castles and fortified towns in the hands of the tenants of the see of Rheims continued to hold out against the royal forces; and the archbishop himself, though by this time known to be the master of his own movements, took no step to withdraw himself from the custody of his pretended gaolers.[g]

Applications to Pope John XV.

At this stage of the transaction, the friends of Duke Charles determined to call in the aid of the pope; and for that purpose, despatched Earl Herbert to Rome, to solicit the intervention of the worldly-minded John XV.[h] on behalf of the legitimate heir of Charlemagne. The bishops of the province on their part hastened to give the pontiff notice that a general council of the Gallic churches was about to be called together, to inquire into charges to be preferred against Archbishop Arnulph of Rheims involving the crimes of perjury and treason against his sovereign King Hugo; and to request the countenance and assistance of the holy see in purging their church from the scandal which had been brought upon her by his misconduct. By the same messenger King Hugo called on the pontiff to deliver the church and realm from the arch traitor—the "second Judas"—Arnulph of Rheims; and he reminded him that if he should delay to give the needful advice and to point out the proper remedy, he would load upon himself the guilt of the criminals whom he should thus neglect to punish, and make himself responsible for all the evils they had already, and might in future inflict upon the church and people of France.[i]

[g] *Conc. S. Basoli*, ubi sup. p. 527.
[h] *Ciacone*, Vit. Pont. i. p. 742.
[i] *Conc. S. Basol.* ubi sup. p. 522.

On the part of Duke Charles and the archbishop, Earl Herbert vehemently protested against the proposed council. Availing himself of the well-known venality of the papal court, more especially of the reigning pontiff,[j] he supported his suit by presents to the pope,[k] which threw the arguments of his adversaries into the shade. The papal countenance was averted from them; and after three days of ineffectual attendance at the gates of the Lateran in the hope of an answer, they departed homewards in disgust.[l]

Synod of St. Basolus against Arnulph.

Neither the king nor his prelates wasted another thought upon the pope or his concern in the matter. The proposed council met at the convent of St. Basolus, about eight miles from the city of Rheims, and was opened on the 15th of July 991, under the presidency of Seguin archbishop of Sens, a prelate not unfavourably disposed towards the defendant Arnulph. But some months before the meeting, the city of Laon had been betrayed by the Bishop Ascelin into the hands of Hugo Capet, and the unfortunate Charles of Lorraine, his wife, and children, became the captives of their successful rival. By the same act of treachery Archbishop Arnulph fell into the hands of his former patron, and was consigned to the custody of the prelates assembled at St. Basolus.[m] The council, when fully constituted, consisted of the archbishop of Sens, as president, twelve bishops, and numerous abbots and priors, comprehending in that number not a few who awaited only a convenient opportunity to stand forward in defence of the accused. The bishop of Orleans was appointed by the king to act as prosecutor in his name

[j] He was generally reprobated by his own clergy for venality and nepotism. See *Ciacone*, ubi sup.

[k] Among the rest, a beautiful palfrey which had attracted the admiration of the pope.

[l] *Baronius* supposes the embassy of King Hugo and the Gallic prelacy to have taken place in the year 991; but *Pagi* (ad *Bar.* ann. 991, § 1) sets him right. The report of the synod of St. Basolus drawn up by Gerbert informs us that the letters of the king and the bishops were delivered eleven months before the month of July 991, consequently in June 990. *Conc. S. Basoli*, ubi sup. p. 514; *Cent. Magd.* cent. x. p. 460.

[m] Charles of Lorraine died in confinement at Orleans about twelve months afterwards. His wife gave birth to twins in her prison. She and her children were subsequently set at liberty, and retired into Germany, where their posterity are said to have flourished till the middle of the thirteenth century.

and behalf; and the presbyter Gerbert was assigned to him as his secretary and counsel. In compliance with canonical usage, ten triers were nominated to take and report upon the evidence; and the proceedings were opened by the accuser, who exhibited and recited the articles of charge against the archbishop. The synod, he said, was assembled to try the accused for the crimes of perjury *and treason*, by the introduction of the king's enemies, brigands and outlaws, into the city of Rheims; thereby exposing the persons of the clergy, the property of the church, and the holy places themselves, to plunder and desecration, contrary to his allegiance to the sovereign, and in violation of his duty to the church of which he was the appointed pastor and protector.[n]

Impeachment.

The president took an objection *in limine* to the impeachment. He urged that an ecclesiastical synod was incompetent to try a cause which might result in a capital punishment. The prosecutor replied, that it was not to be supposed that the king and the laity of the realm would in any case permit crimes like those of the archbishop to pass unpunished: that if the ecclesiastical authorities should renounce their privilege of trying one of their own constituents for offences against the state-law, the laity would on all such occasions infallibly drag the clergy before the secular courts, and the immunities of the church would be greatly endangered, or altogether lost. As to the contemplated shedding of blood, such an issue ought not to be considered, inasmuch as it would be their duty to interpose to prevent the taking away of life; at all events, the result need give the synod no uneasiness, inasmuch as they were incompetent to pass any other than a canonical sentence, which could in no case affect the life of the accused.[o] The objection was in the end overruled, and the accuser proceeded to regular proof of the principal charge. The chirograph or written oath of allegiance, with the abdication clause in case of

Objection to the impeachment.

Objection overruled.

[n] *Conc. S. Basol.* ubi sup. p. 514.

[o] The superior clergy not only claimed exemption from the secular tribunals, but were amenable to no other than canonical penalties. See *Conc. S. Basol.* ubi sup. p. 515.

disloyalty, delivered by the archbishop to the king at his consecration, was read to the synod; and the accuser pledged himself to establish the violation of that oath upon unexceptionable testimony; and he protested that if, after that, any interposition on the part of the pope were attempted, such a step could have no effect upon their proceedings, but would tend only to throw discredit upon the papal authority.[p]

To prove the treason imputed, the accomplice Adalger himself was brought before the court. This person deposed that he had, at the express command of the archbishop, opened the gates of Rheims to the king's enemies; and that for the purpose he had received the keys of the gates from the hand of his patron. Though, in justice to the archbishop, it was admitted that he had issued sentence of excommunication against all who had taken part in the crime, it was clearly proved that he had never ceased to keep up his communications with Adalger and his fellow-conspirators; and that he had so done with the fullest knowledge of the sentence passed upon them by the bishops of the province assembled at Senlis in the preceding year. The archbishop's pretended censures were therefore, without a dissentient voice, pronounced to be an idle and impudent attempt to elude the consequences of his treason, and to deceive his canonical judges. After a deliberate examination of the canons applicable to the offences charged, it was unanimously resolved that the case was clearly within ecclesiastical cognisance, and that it was legally triable by that assembly.[q] The majority of the synod were now prepared to proceed to judgment against him; but the able manager, Arnulph bishop of Orleans, was desirous that no charge of unfairness should rest upon the decision of the council, or any irregularity be allowed to taint their proceedings. He therefore proclaimed full liberty of speech to the accused, and called upon any one present who might have aught to object on behalf of the archbishop to stand forth fearlessly in

The prosecution.

[p] *Conc. S. Basol.* ubi sup. p. 516.

[q] Ibid. ubi sup. p. 520.

his defence; and promised him a patient and attentive hearing.

The defence.

Thus encouraged, John bishop of Auxerre, and the abbots Romulph of Sens and Abbo of Fleury, stood forth, as it now appeared, fully prepared to dispute the law of the case inch by inch with the prosecutor. They made no attempt to disprove the facts.

Objection to the jurisdiction.

These facts, they contended, whether true or false, could not alter the laws of the church applicable to the trial of a bishop; and that law had, they affirmed, been in most respects violated in the proceeding against Archbishop Arnulph. In support of this allegation, they appealed to a decretal of Pope Damasus,—one of the most conspicuous of the Isidorian forgeries;[r] and upon the authority of that decree they objected that a bishop who had been deprived of his see could not be called upon to answer any charge or accusation until he should have been fully reinstated in possession of all his spiritual and temporal faculties: that till then Archbishop Arnulph could not be canonically compelled to answer before any tribunal: that he had neither been legally summoned, nor lawfully brought up before the synod: that, in order to a lawful trial, the cause ought to have been previously notified to the Roman pontiff: that, after license from the pope, the accused should have been confronted with the witnesses and with

[r] Ap. *Mansi*, Conc. tom. iii. p. 431. The Magdeburg centuriators have inserted Gerbert's report of the synod of St. Basolus *in integro; D. Bouquet* has given an abstract only. In the Centuriators we find the whole series of false decretals quoted by the advocates of Arnulph fully set out. They are recited in chapters xx. xxi. and xxii. of Gerbert's report, and consist, 1. Of the supposititious epistle of Archbishop Stephen of Mauritania and the African churches to Pope Damasus; 2. The reply of Damasus (*Mansi*, Conc. iii. 437); 3. The forged epistle of Clemens Romanus against the accusers of bishops (ib. i. pp. 101 et seqq.); 4. The decretal of Pope Stephen against bringing a bishop to trial before restoration (ibid. i. pp. 887 et sqq.); 5. That of Pope Sixtus to the same effect (ibid. i. p. 998); 6. That of Pope Julius prohibiting the trial of a bishop without the previous license and sentence of the Roman pontiff; 7. Decretal of Pope Symmachus against bishops usurping the sees of others, &c. (ibid. ii. p. 1173); 8. Decretal of Pope Eusebius forbidding any member of the flock to accuse his pastor (ib. i. pp. 1262 et sqq.); 9. Decretal of Pope Hadrian I. against disqualified witnesses; 10. That of Pope Fabian to the same effect (ibid. i. p. 775); 11. Decretal of Pope Marcellus upon restitution before trial (ibid. i. p. 1262); 12. Decretal of Pope Anacletus (ibid. i. p. 605); 13. Decretal of Damasus excluding hearsay evidence, and directing that the witnesses should be confronted with the accused. These decretals have been quoted and commented upon in chapter vii. of the sixth book of this work.

his accusers; and that the select judges should have been chosen from a more general synod and a more numerous body of bishops than was there assembled: that none of all these rules had been observed, and that on these grounds all the proceedings against Archbishop Arnulph were absolutely void for irregularity and illegality.

These objections placed the bishop of Orleans in a position very closely resembling that of Archbishop Hincmar in his controversy with Pope Nicolas I.,[s] more than a century before this. They raised once again the question whether the decretal law of Rome should be permitted to overrule that kind of desultory synodal legislation which had hitherto governed the French churches. But the bishop, no more than his great predecessor, felt himself in a condition at once to repudiate the law as alleged against him. He therefore contended —at manifest disadvantage—that in all the most material respects that law had been complied with. The archbishop, he replied, had been summoned by qualified summoners, not six months—as required by the decretals in question—but twelve months before the meeting of the synod: he declared that the demand of a full restoration to his functions and faculties was, and in his case always had been, an impossibility; for how could they reinstate a voluntary absentee?—how could they now withdraw a state criminal from the custody into which he had fallen in consequence of his treason to his sovereign? Neither would he, if restored, be in any better position than at that moment; for he must at all events appear at the bar as a culprit, and could in no case have seat or vote in the synod assembled to try him. But it was said, he could not be tried while in prison and under coercion; such, however, was not the practice in France: precedents for such a case as that of Arnulph were to be found in the annals of the Gallic church;[t] and those precedents were

Reply to the objection.

[s] Conf. Book VII. c. ii. pp. 261-265.

[t] He instanced those of Hildeman bishop of Beauvais, who was imprisoned in the abbey of St. Vedastus at Arras, awaiting the judgment of a synod assembled to try him on a charge of high treason preferred by the Emperor Louis the Pious; also that of Ebbo archbishop of Rheims, who was tried and found guilty while in prison at the abbey of Fulda. *Conc. S. Basol.* ubi sup. p. 522.

in strict conformity with the canons of the African churches, as received in that of France.[u] Again, if the legal necessity of a previous notification of the cause to the Roman pontiff were admitted, surely in this case that condition had been abundantly complied with. Had not the king himself and the bishops of the province submitted full particulars of the case in hand to the consideration of the pontiff, and solicited his advice and authority for the conduct of the cause? Letters to that effect had been put into his hands eleven months before the opening of the council; yet he had not only wholly disregarded them, but suffered the bearers to depart without hearing or reply.

Special justification of the impeachment.

Though these answers were considered sufficient to establish the jurisdiction of the synod, yet the bishop of Orleans thought it necessary to put on record a more particular justification of the prosecution; with the twofold view of upholding the law and practice of the French churches against the novel decretalism of his opponents, and of exposing the evils and confusion that must result from the adoption of two conflicting schemes of church legislation. Important information may be gathered from the concluding oration of the manager as to the state of ecclesiastical opinion in France upon the nature of the subsisting connection with Rome, and the limits within which the majority of the French prelacy were, at this period, disposed to restrict the jurisdiction of the holy see.

Speech of the bishop of Orleans.

"It must be agreed," he said,[v] "that if the pontiff of Rome, by his mere silence, can suspend the operation of the law as it stands, there must be an end of all justice and judgment in the church. Such a pretension not only annihilates the national judicature, but subjects the whole body of the church to the capricious will of a single person. If,

[u] Quoting the twelfth, thirty-eighth, and forty-third titles of the collection of the African synods in use in the Gallic church. *Conc. S. Basol.* ubi sup. p. 522.

[v] We give the following abstract of this somewhat diffuse discourse in the *first* person, to avoid the disagreeable monotony of a newspaper report, and the uncomfortable breaks which the alternate use of the first and third person must introduce.

then, it shall hereafter happen that the Roman pontiff, either through ignorance of the actual state of distant churches, or through desire of gain, or by the coercion of domestic tyranny,[w] be incapacitated from arriving at a just judgment, how can we accept him as a competent judge, or permit him, by his *novel dictates*, to overrule the known laws of our church? As long as the holy see could boast of such men as the Gregorys, the Gelasii, and the Innocents,—men who by their wisdom and eloquence threw all worldly science into the shade, excelling all other men in learning as in holiness of life, —so long might she claim to be the universal church, universal in doctrine as in virtue. Yet, even when she was thus blessed and blessing, she was not always permitted to claim such a universality; nor did the African churches scruple to rebuke that proud assumption of dominion (*typum dominationis*), from which they apprehended inconveniences resembling those against which the churches of France are now compelled to protest.

His protest against the jurisdiction of Rome.

"Looking now at the actual state of the papacy, what do we behold? John, called Octavian, wallowing in the sty of filthy concupiscence, conspiring against the sovereign whom he had himself recently crowned; then Leo the neophyte[x] chased from the city by this Octavian; and that monster himself, after the commission of many murders and cruelties, dying by the hand of an assassin. Next we see the deacon Benedict, though freely elected by the Romans, carried away captive into the wilds of Germany by the new Cæsar and his pope Leo. Then a second Cæsar, greater in arts and arms than the first,[y] succeeds; and in his absence Boniface, a very monster of iniquity, reeking with the blood of his predecessor, mounts the throne of Peter. True, he is expelled and condemned; but only to return again, and redden his hands with the blood of the holy bishop John (XIV.). Are there, indeed, any bold enough to maintain that the priests of the Lord over

[w] The reigning pontiff lay at that moment under the control of Crescentius: conf. c. iv. pp. 496, 497 of this Book.

[x] Leo VIII.

[y] A singular mistake of the good bishop.

all the world are to take their law from monsters of guilt like these—men branded with ignominy, illiterate men, and ignorant alike of things human and divine? If, holy fathers, we be bound to weigh in the balance the lives, the morals, and the attainments of the meanest candidate for the sacerdotal office, how much more ought we to look to the fitness of him who aspires to be the lord and master of all priests! Yet how would it fare with us, if it should happen that the man the most deficient in all these virtues, one so abject as not to be worthy of the lowest place among the priesthood, should be chosen to fill the highest place of all? What would you say of such a one, when you behold him sitting upon the throne glittering in purple and gold? *Must he not be the 'Antichrist sitting in the temple of God, and showing himself as God'?* Verily such a one lacketh both wisdom and charity; he standeth in the temple as an image, and as from an idol would you seek counsel.

Bad popes the precursors of Antichrist.

"But the Church of God is not subject to a wicked pope; nor even absolutely, and on all occasions, to a good one. Let us rather in our difficulties resort to our brethren of Belgium and Germany than to that city, where all things are venal, where judgment and justice are bartered for gold. Let us imitate the great church of Africa, which, in reply to the pretensions of the Roman pontiff, deemed it inconceivable that the Lord should have invested any one person with his own plenary prerogative of judicature, and yet have denied it to the great congregations of his priests assembled in council in different parts of the world. If it be true, as we are informed by common report, that there is in Rome scarcely a man acquainted with letters,—without which, as it is written, one may scarcely be a doorkeeper in the house of God,—with what face may he who hath himself learnt nothing set himself up for a teacher of others? In the simple priest ignorance is bad enough; but in the high-priest of Rome,—in him to whom it is given to pass in review the faith, the lives, the morals, the discipline, of the whole body of the priesthood,

He denies the plenary jurisdiction of Rome.

yea of the universal church, ignorance is in nowise to be tolerated. Yet what is to be said and done if, for our sins, 'he that sitteth in the treasury that looketh towards the south, and keepeth watch among the wardens of the temple,' though highest in place, be lowest in wisdom? Why should he not be subject in judgment to those who, though lowest in place, are his superiors in virtue and in wisdom? Yea, not even he, the prince of the apostles, declined the rebuke of Paul, though his inferior in place; and, saith the great Pope Gregory, 'if a bishop be in fault, I know not any one such who is not subject to the holy see; but if faultless, let every one understand that he is the equal of the Roman pontiff himself, and as well qualified as he to give judgment in any matter.'

"What, then, remains for us to do but to follow closely the precepts of the holy church, more especially, as applicable to the case before us, the rule laid down by the council of Sardica? Still, if the bishop of Rome refuse to exercise the powers thereby given, that rule does not suspend the course of justice; but the power then devolves upon the church at large, or that section to which it belonged in the absence of the papal interference. In our case, the pope has neglected to exercise the power given to him; and the prelacy of Rheims and of the adjoining provinces become canonically possessed of the whole cause. Yet what if it be true that Pope Eusebius or Damasus, or any other, had issued some prohibition to priests to accuse or give evidence against their bishop? What has been the practice of Rome herself in this respect? We know that she has often abstained from disturbing the judgments of the domestic tribunal, even in the case of bishops accused by their own clergy, and condemned without any intimation to the holy see:[z] convictions which, if the quoted decretals were to stand good, must have been altogether illegal.

The pontiff bound by the canon of Sardica.

"And again, taking a view of the existing position

[z] He instances the case of Paul bishop of Teatina, in which Gregory the Great refused to interpose, though he was accused by his own clergy, tried and condemned, without the knowledge of the holy see.

The crimes of the clergy not protected against civil prosecution.

of the church with reference to the state, it is obvious that if no bishop could be convicted of a crime without the previous consent of the Roman pontiff, ecclesiastical and civil justice must be frequently altogether suspended, and serious collisions must occur between the church and the civil law. For what man with arms in his hands would then refrain from using them to punish, for instance, the clerical violator of the marriage bed? How could we, in that case, find fault with the indignant prince for taking the law into his own hands to punish the episcopal rebel or traitor? Would he, think you, permit the offender to defeat his justice by appeals to the pope, or by canonical stratagems, or legal quibbles? Would he send to Rome to purchase justice with his money, or enter into a competition of bribery at the papal court with the wealthy offender? But, in point of ecclesiastical law, crimes of treason and violence never were included in the catalogue of clerical immunity. A foreign pontiff cannot be a proper judge between a sovereign and his rebellious subjects; and yet we are told that, unlike any other subject, he may by subterfuge or bribery escape punishment, brave the law, and defy his sovereign. *The canons of the church-catholic* afford no countenance to such pretensions; the reverse of this: they clearly point to the proper tribunals for these and other offences of the like nature. We appeal with confidence to the canons of the church of Antioch, the African councils, and the luminous exposition of the whole subject in the epistle of Archbishop Hincmar to Pope Nicolas.[a] It can be no invasion of the Roman prerogative, if causes especially reserved by the law of the church to provincial or metropolitan courts are not in the first instance brought before the pope; and this is in practice the course pursued, unless in the progress of the cause difficulties shall arise in determining or interpreting the law applicable to the case; in which contingencies we are in the habit of recurring for advice and direction to the divine oracle, that is, to the apostolic see of Peter.

[a] Chap. ii. p. 264 of this Book.

"If, then, we compare the pretensious decretal of Pope Damasus with the whole bearing of the ecclesiastical law, no one can read that decretal without serious misgivings.[b] We are therein told, that *without the previous sanction of the holy see no council can be called catholic.* But how if communication with Rome be cut off by an enemy? or if Rome herself be under thraldom of a barbarian master? or if the pope of Rome be an enemy, or a profligate, or a man of sin? Is it, in such cases, to be said that no council shall sit? or, forsooth, that the bishops are to take their orders from their own and their sovereign's enemy? How does it happen, then, that the most holy of general councils, the fathers assembled at Nicæa, ordained that provincial synods should be held twice in every year, without the remotest allusion to any authorisation from Rome? But whatever claim may have been put in to such authority, we know that the African churches have impugned and denied it. The church of France is inclined to stop short of this extremity, and by all means in her power to uphold the reverence due to the Prince of the Apostles; and so long as the state of public affairs permits, her bishops will continue to act as in this case they have acted,—that is, they will take counsel of Rome, whether Rome conduct herself well or ill, if thereby the peace and discipline of the church may be maintained. If it be otherwise, let us proclaim with the holy Paul, 'If any one preach unto us any other gospel than that which is preached, though he be an angel from heaven, let him be accursed.'

He repudiates the decretal of Pope Damasus.

"If, therefore, Rome refuse, or hath forfeited her right to speak, let us boldly resort to the law and to the testimony: verily they shall be found to speak the words of their divine author. But O unhappy days that we live in! Wretched generation, in which the church is deprived of her chief and her counsellor! For unto whom shall we resort for advice and consolation, when we behold the mistress of churches and nations deserted by God and man? Do we

His lamentation over the fall of Rome.

[b] "Quodam scrupulo."

not behold with our eyes, do we not see, that since the fall of the empire Rome hath lost Alexandria, and Antioch, and Asia, and Greece, and Africa?—that Europe itself is falling away from her?—that the church of Constantinople hath withdrawn from her communion?—and that the people of the inner Spain take no heed of her decrees? On every side there is a falling-away of nations and of churches. Here in France we are pressed upon on every side by the forerunners of Antichrist.[c] And now, in the words of the apostle, the mystery of iniquity worketh in such wise that *he who now obstructeth* (the pope) *shall continue to obstruct until he be taken out of the way*—until that *son of perdition*, that *man of sin, who hindereth*, and *exalteth himself above the name of God* and the worship of God, be revealed. By all this it is manifest that the power of Rome is shaken; religion hath taken flight from her, and the name of God is dishonoured and insulted with impunity; for a supreme pontiff (John XII.) hath openly defied God and deserted his worship. Who, then, shall adhere to Rome, when Rome deserts herself—when she will neither accept counsel nor impart it to others?"

Arnulph confronted with his accusers.

By these very forcible arguments the preliminary objection to the jurisdiction of the synod appears to have been disposed of for the present; and the defendant was himself placed at the bar, face to face with his accusers and the witnesses for the prosecution. The suspected testimony of the accomplice Adalger was confirmed by the unimpeachable evidence of Guido bishop of Soissons. That prelate deposed that he had personally remonstrated with the archbishop upon the violation of his allegiance to the king; that he had pointed out to him means within his reach of repairing his error; but that Arnulph had persisted in open adherence to the king's enemy; that escape from his pretended imprisonment had been of easy execution, if he had desired to withdraw from the treasonable connection; that his protestations of alleged violence or duress were contradicted by the public countenance he had extended

[c] The Normans.

to the pretensions of Charles of Lorraine; and that, in addition to these proofs of disloyalty, the strong places and all the military resources of the estate of his church had been unreservedly placed at the disposal of the enemy. Other proofs of a treasonable mind, and of conspiracy to levy war on behalf of Charles, were not wanting to corroborate the evidence of Adalger; and the synod delivered their judgment, that inasmuch as the crime of treason laid to the charge of Archbishop Arnulph had been proved, and as treason includes perjury,—a crime which necessarily shuts out the criminal from all sacerdotal office or dignity,—the culprit was declared disqualified to hold all such office.[d] He is found guilty.

The sequel of this important transaction is not calculated to remove all doubt of the purity of the motives of the prosecutors. At the conclusion of his case, and before the resolution, Archbishop Arnulph, it appears, had retired from the assembly, with a committee consisting of Archbishop Seguin, the manager Arnulph of Orleans, and the bishops of Langres and Amiens; and that he had in private conference signified to these prelates his implicit submission to the judgment of his peers; that he had put his hand to a full confession of his guilt, pronounced himself unworthy of the office he held, and freely concurred in the election of any one whom the synod should select to fill the vacant chair. This instrument was accordingly exhibited, and put on record; and the synod proceeded without loss of time to depose the archbishop, and, at the instance of King Hugo, to elect the presbyter Gerbert of Rheims to the primacy. Arnulph was immediately remanded to his prison at Orleans; and strong symptoms of disapproval appeared in the protest of the president Seguin, and of other members of the convocation. The report of the trial proceeds from the pen of Gerbert himself; and the circumstances attending the alleged confession and abdication of Arnulph are left in His deposition. Gerbert elected archbishop of Rheims.

[d] This resolution was grounded upon titles xxx. and xlv. of the Toledan councils, ordinances which partook of the character of civil as much as of ecclesiastical law. Conf. Book IV. c. ii. pp. 273, 274 of this work.

a degree of obscurity which, connected with the hasty removal of the latter, leaves room for a suspicion that unfair means had been resorted to to obtain his consent to his own condemnation.[e]

Conflict of civil and ecclesiastical law.

Taking all the circumstances of the case into consideration, the deposition of the archbishop does not appear to have passed with the general concurrence which the report of Gerbert insinuates. All the eloquence and ingenuity of that able person and his friends were put in requisition to efface the impressions which the pontifical decretals had produced upon the clergy of France. The decree of Pope Damasus was in legal effect fatal to the impeachment; and it was clear that, as long as that forgery, and the spurious foundation upon which it rested, was undetected, no bishop could be lawfully tried by any tribunal not immediately emanating from, and appointed by, the Roman pontiff. The only course by which the operation of this ordinance could be eluded was by treating the offence of the archbishop as a secular crime, and thereby taking it out of the class of offences punishable by ecclesiastical law, reserving only to the accused prelate the right of trial by his peers. But the decretal extended to the punishment which must follow upon conviction as fully as to the crime itself. No ecclesiastical tribunal could inflict any other than those spiritual penalties expressly reserved to the Roman pontiff by the decretal in question. It was, indeed, no difficult matter to show that that ordinance stood in irreconcilable contradiction to genuine church-legislation; yet it is equally obvious that the difficulty could be effectually encountered by no ingenuity short of that which would have laid bare the imposture itself.

Synopsis of the justification of the synodal proceedings, &c.

In this dilemma, therefore, the managers of the impeachment took the more intelligible and popular ground of justification. Treason and perjury, they said, are secular crimes, punishable by the law of the land: when that law is

[e] Archbishop Seguin probably knew how it had been procured, and grounded his objection upon such knowledge. Gerbert could not be supposed very well inclined to disclose those grounds in his report. Conf. *Cent Magd.* cent. x. p. 516; *Baron.* ann. 992; *Fleury*, xii. p. 277.

transgressed by a member of their own body, the clergy are bound to obey the law, and to remove the transgressor from all temptation or opportunity to commit the like offence for the future: the decretal must be construed with reference to the general law of the church, as well as to the peculiar circumstances under which it is called into operation: thus, though it be generally true that the pope is the representative of the Prince of the Apostles, and that he is supreme over all the priests of the Lord, yet he is not competent to alter or repeal the laws of the church: allowing the supremacy of the pontiff, we know likewise that he has corresponding duties to perform, which if he neglect, we are not bound to follow him by neglecting our own: the divine right of his see does not constrain us to obey a bad pope to do evil; neither does our duty to him come into question until he has performed towards us his proper office of adviser and comforter under distress or difficulty: we have proved to the world that we earnestly applied for and solicited his counsels, and that he rejected and turned his back upon our petition; that he accepted bribes from our enemies; and that, so far from being in a position to afford free counsel and advice to his churches, he is at this moment under the thraldom of a lay tyrant, who controls his judgment, and deprives him of that liberty of will and action which is essential to the due exercise of his great prerogative.[f]

Jeopardy of the decretal scheme at this juncture.

If these opinions had found a faithful echo in the bosom of so important a church as that of France, little more had been wanting to mature their misgivings as to the true character of the documents obtruded upon them into the fullest conviction of their worthlessness. The Bishop of Orleans had emphatically pointed to Rome, in her actual condition, as the quarter from which the threatened ad-

[f] Conf. the defence of Gerbert against the denunciations of Pope John XV., ap. *D. Bouq.* tom. x. p. 413. He maintained boldly that the law of the church consisted of Scripture, canons of general councils, and such decrees of the holy see as should be found conformable to the primitive sources of ecclesiastical law. There occur here and there in the works of Gerbert expressions which twinkle like distant lights through the thick darkness of the middle age.

vent of Antichrist was to be looked for. The French canonists had detected the irreconcilable antagonism between the ancient laws of the church and the papal decretals. A little research, a small increase in their knowledge of general history and antiquity, would have sufficed to ensure the detection of the impudent forgeries, under which all law or discipline but that which proceeded from the pontiff of Rome was crushed and smothered, and the churches themselves deprived of all spontaneous action. But Gerbert and his friends, while they acknowledged and deplored the evil, were unable or unwilling to strike at the root of the abuse. They were satisfied with exposing the contradiction between the scheme of law urged against them and every principle of legitimate legislation, custom, convenience, and practical utility. A little more learning—and, alas, probably a little more honesty—only was wanting to sweep away the mass of cobwebs with which the decretalists had overlaid and kept out of view the ancient body of ecclesiastical law. As it was, however, decretalism was in jeopardy; and if at this moment the princes of the world had taken any but the most partial and sordid views of the interests and liberties of their churches, or had been at leisure to apprehend the inconveniences exposed and reprobated by the fathers of St. Basolus, the papal power could have survived the tenth century, if at all, only in a very different aspect from that which, under the upas-shadow of the Isidorian forgeries, it was destined to assume.

John XV. quashes the proceedings of St. Basolus.

Pope John XV.—or, we may perhaps more properly say, his master Crescentius—paid no regard to the decision of the synod. He declared all their proceedings to be wholly void; and interdicted Gerbert, and all who had taken part in his ordination.[g] As long as he lived, King Hugo Capet maintained Gerbert upon the throne of Rheims: but he died in the year 996; and in the same year John XV. was succeeded by Gregory V., the cousin and nominee of the young Emperor Otho III. The new pope warmly espoused

[g] *Fleury* (tom. xii. p. 251) thinks that this censure was issued from a council held at Rome on the 31st of January 993.

the cause of the deposed archbishop, and threatened the kingdom of France with a general interdict unless he were immediately restored to the primacy. During the short five years of Gerbert's occupation of the see of Rheims, the light which had so suddenly burst forth at the synod of St. Basolus had burnt dimmer and dimmer in the Gallic church. Under Otho III. the chair of Peter had resumed its station; the pope was no longer the tool of a domestic faction, and was enabled once more to rally round him the advocates of ecclesiastical privilege, or license, according as the parties affected might view their chances of eluding, or of taking advantage of, the decretal forms for the promotion of their own interests. The party opposed to Gerbert was gradually recovering from their late defeat, and succeeded in rendering his government a period of disturbance and reaction, which wore out his patience, and plunged him daily into more irksome dependence upon the protection of the temporal power. But Robert I. of France, son and successor of Hugo Capet, had in the interim fallen in love with his cousin Bertha, daughter of Conrad king of Cisjurane Burgundy, and was then suing to Pope Gregory V. for license to marry within the prohibited degrees of consanguinity. But the enemy of Arnulph could expect little favour at the hands of his friend the pope. The king's zeal on behalf of Gerbert cooled down; and in the year 995 he permitted him to be cited before a papal commission, assembled at Mousson in Lorraine, to render an account of his election, and show cause why he should not vacate the see of Rheims for irregularity. It is to be noted that the commission consisted of the archbishop of Treves, the bishops of Liège, Verdun, and Münster, several abbots of note, and among the great laity, Godfrey duke of Lower Lorraine, — all subjects of the empire, and probably well disposed to serve the purposes of their master and his friend the pope.[h] Before a tribunal so constituted the eloquent defence of Gerbert availed him little. He was compelled to submit to a suspension

Revival of decretalism.

Gerbert deserted by King Robert of France.

[h] *Hard.* Conc. tom. vi. pp. 733-738.

from office till the case should be finally disposed of at a synod to assemble at Rheims within one month from that time.[1] At the end of the term, Arnulph was reinstated by command of the pope, and Gerbert retired to the court of his former pupil, the Emperor Otho. Among the good qualities of that prince, his reverence for learning and learned men was not the least commendable. Gerbert had made many friends, and fewer enemies, than any man of his age so largely conversant in worldly affairs. He was received by the emperor in Italy with high distinction, and—probably by way of indemnity for his forfeited honours—forthwith created archbishop of Ravenna, with the full consent and approval of Pope Gregory V.

Arnulph reinstated in the see of Rheims.

King Robert of France was no gainer by his abandonment of the cause of Gerbert. The hereditary enemy of the house of Capet,—the representative in some sort of the Carolingian dynasty,—was firmly seated upon the throne of Rheims. The friend whom he had deserted was now transferred to another sphere, and very unlikely to endanger his new connections by an injudicious advocacy of a cause in which no personal interest was involved. Robert had married his cousin without waiting for the papal dispensation; and the zeal of Pope Gregory V. for the integrity of the canons prompted him to make an example of the royal offender. His master Otho III. was at this time amusing his excitable imagination with the dream of an empire coextensive with its widest limits under the Cæsars of the West, and projecting a combination of the secular and ecclesiastical powers of his realms which, in imitation of his great predecessor Charlemagne, should bring the vassal kingdoms and principalities of the world to the foot of the imperial throne. The distracted state of France, the weakness of the sovereign power, the disaffection of the great barons, who disdained the sceptre of one so lately their equal, encouraged almost any experiment upon the independence of that kingdom. The

Gerbert archbishop of Ravenna.

[1] The nones of June, which fall on the fifth of the month. The suspension, therefore, lasted twenty-six days only.

humiliation of the sovereign was an important step; and the overbearing influence which the Germanic prelacy had exercised in France since the synod of St. Basolus[j] offered facilities for that purpose which could not be overlooked. With the archbishop of Ravenna on his right hand, Gregory V. determined to put an end to and punish the crying scandal of an incestuous union upon the throne of France. In the year 998, he convoked a council in the basilica of St. Peter at Rome, in which Robert was condemned to discard his concubine Bertha, and to do a seven years' penance, according to the canons, for the sin he had committed; in default of which, to be and continue under anathema till satisfaction. The archbishop of Tours, and all the bishops who had assisted at the unlawful marriage,[k] were suspended from their offices, and secluded from the communion of the faithful, till they should appear at Rome and purge their offence. In the same synod, some irregularities in the Germanic churches were mildly rebuked and corrected; and the bishop of Veloi, in the province of Bourdeaux, with his ordainer, the archbishop of the province, were put out of communion as accomplices in an uncanonical election.[l] The execution of the sentence against Robert—according to the account of the credulous monk Peter Damiani—bears testimony to the increasing influence of the papacy in France. The king, we are told, was shunned by all the world; no one ventured to hold any intercourse with the impenitent sinner and his incestuous companion. Two servants only administered to them the common necessaries of life; even the very vessels made use of at his table were immediately afterwards thrown into the fire; nay, the produce of his amour turned out a monster, with the neck and head of a goose! Every part of this tale is probably equally true; yet the same moral delusion which suggested the Isidorian fraud, was ever at hand to give currency and credit to any idle tale that might enhance the terrors of

Gregory V. excommunicates Robert of France.

[j] In effecting the restoration of Arnulph.

[k] Those of Neustrian France, who acknowledged the sovereignty of Robert in opposition to the Germanic and Aquitanean recusants.

[l] See *Hard.* Conc. tom. vi. pp. 755-758.

sacerdotal visitations.[m] Robert of France continued, at all events, for some time longer to cohabit openly with his wife, and probably for a still longer time in secret, and even after his marriage with the termagant Constance, daughter of William earl of Provence; and thus, as has been very properly observed, the pontiffs of Rome, on this as on other occasions of the same kind, while setting themselves up as the guardians of public morals, plunged their penitents into grosser sins than those from which they desired to rescue them.[n]

Gerbert pope, as Sylvester II.

Pope Gregory V., though a man in the prime of life, held the pontificate for the term of only two years and nine months. He died on the 18th of February A.D. 999; and the Emperor Otho immediately raised his old friend and tutor Gerbert to the pontifical see by the name of Sylvester II.

[m] *Fleury*, xii. pp. 333, 334; and *Pet. Damiani*, Epp., ap. *D. Bouq.* x. p. 492.

[n] *Sismondi*, Hist. de Fran. tom. iv. p. 102.

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